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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2019 No.**

**The Private Housing (Tenancies) (Scotland) Act  
2016 (Modification of Schedule 1) Regulations 2019**

**Modification of schedule 1 of the Private Housing (Tenancies) (Scotland) Act 2016**

2.—(1) Schedule 1 of the Act (tenancies which cannot be private residential tenancies) is modified in accordance with paragraph (2).

(2) At the end of schedule 1 insert—

*“Accommodation for veterans and care leavers*

22.—(1) A tenancy cannot be a private residential tenancy if the landlord is—

- (a) a charity providing accommodation to veterans, or
- (b) a charity providing temporary accommodation to a care leaver.

(2) For the purposes of this paragraph—

“care leaver” is a person who—

- (a) is under the age of 26 years,
- (b) was on that person’s sixteenth birthday or at any subsequent time looked after by a local authority, and
- (c) is no longer looked after by a local authority; and “looked after” is to be construed in accordance with sections 17(6) (duty of local authority to child looked after by them) and 29(7) (after-care) of the Children (Scotland) Act 1995(1),

“charity” has the meaning given in section 106 of the Charities and Trustee Investment (Scotland) Act 2005(2), and

“veteran” means a person who has served—

- (a) for at least one day in Her Majesty’s Armed Forces (regular and reserve), or
- (b) as a member of the Merchant Navy on a civilian vessel while supporting the Armed Forces.”.

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(1) 1995 c.36. Section 17(6) was amended by paragraph 9(4)(b) of schedule 2 of the Adoption and Children (Scotland) Act 2007 asp 4, paragraph 2(4) of schedule 5 of the Children’s Hearings (Scotland) Act 2011 asp 1 and paragraph 9(3) of schedule 1 of S.S.I. 2013/211. Section 29(7) was amended by section 73(1)(b) of the Regulation of Care (Scotland) Act 2001 asp 8.

(2) 2005 asp 10.