

2012 No. 150 (C. 13)

HOUSING

**The Private Rented Housing (Scotland) Act 2011
(Commencement No. 3) Order 2012**

<i>Made</i> - - - -	<i>17th May 2012</i>
<i>Laid before the Scottish Parliament</i>	<i>21st May 2012</i>
<i>Coming into force</i> - -	<i>30th June 2012</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 41(3) of the Private Rented Housing (Scotland) Act 2011(a).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Private Rented Housing (Scotland) Act 2011 (Commencement No. 3) Order 2012 and comes into force on 30th June 2012.

(2) In this Order “the 2011 Act” means the Private Rented Housing (Scotland) Act 2011.

Appointed day

2.—(1) Section 1 of the 2011 Act will come into force on 1st July 2012.

(2) Section 4(a) of the 2011 Act, in so far as it is not already in force, will come into force on 1st July 2012.

KEITH BROWN
Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
17th May 2012

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings sections 1 and 4(a) of the Private Rented Housing (Scotland) Act 2011 (“the 2011 Act”) into force on 1st July 2012.

Section 1 of the 2011 Act amends the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8) (“the 2004 Act”) as regards the registration of private landlords. The amendment provides that, in deciding whether a person is a fit and proper person to be registered, the local authority must have regard to material showing particular things. These include convictions for firearms and sexual offences, also matters related to property maintenance and control of antisocial behaviour. Such convictions and matters will also become relevant in determining whether a person is fit and proper to hold a licence in relation to housing in multiple occupation, by virtue of section 130(3) of the Housing (Scotland) Act 2006 (asp 1).

Section 4(a) of the 2011 Act also amends the 2004 Act. The amendment provides a power for the Scottish Ministers to prescribe fees where a person already registered appoints an agent to act for them, and requires that notification of the appointment is accompanied by that fee. Section 4(a) is already in force as regards the power to prescribe fees. This Order commences it fully.

The Bill for the 2011 Act received Royal Assent on 20th April 2011. Part 5 of the 2011 Act (sections 38 to 41: general provisions) came into force the following day.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision of the 2011 Act</i>	<i>Date of commencement</i>	<i>Instrument number</i>
Section 2	31st August 2011	S.S.I. 2011/270
Section 4(a) (partially)	31st August 2011	S.S.I. 2011/270
Sections 4(b), 7, 10	31st August 2011	S.S.I. 2011/270
Section 13(1), (3) and (6)	31st August 2011	S.S.I. 2011/270
Section 13(2), (4) and (5)	31st January 2012	S.S.I. 2012/2
Sections 14, 15 and 16	31st August 2011	S.S.I. 2011/270
Partially, sections 17, 19 and 29	31st January 2012	S.S.I. 2012/2
Section 32(2) (partially)	31st January 2012	S.S.I. 2012/2
Section 33 (partially)	31st August 2011	S.S.I. 2011/270
Sections 34, 36 and 37	31st August 2011	S.S.I. 2011/270

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£4.00

S5534 05/2012 325534T 19585

ISBN 978-0-11-101715-9



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