

## SCOTTISH STATUTORY INSTRUMENTS

# 2017 No. 293

## The Private Housing (Tenancies) (Scotland) Act 2016 (Commencement No. 2 and Saving Provision) Regulations 2017

PROSPECTIVE

### Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Private Housing (Tenancies) (Scotland) Act 2016 (Commencement No. 2 and Saving Provision) Regulations 2017 and come into force on 1st December 2017.

(2) In these Regulations “the Act” means the Private Housing (Tenancies) (Scotland) Act 2016.

#### Commencement Information

**I1** Reg. 1 in force at 1.12.2017, see [reg. 1\(1\)](#)

### Appointed day

2.—(1) Subject to paragraph (2), 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 specified 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 in relation to any provision, that provision comes into force in accordance with paragraph (1) for that purpose only.

#### Commencement Information

**I2** Reg. 2 in force at 1.12.2017, see [reg. 1\(1\)](#)

### Saving provision

3. Despite the amendment of sections 32 and 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”)(1) by section 75 and paragraph 2 of schedule 5 of the Act, those sections have effect on and after 1st December 2017 as they had effect immediately before that date but only in relation to—

- (a) a short assured tenancy (within the meaning given in section 32(1) of the 1988 Act) which was created before 1st December 2017 and continues in existence on that date;
- (b) a new contractual tenancy (within the meaning given in section 32(3)(b) of the 1988 Act) which came into being before 1st December 2017 and continues in existence on that date; and

(1) [1988 c.43](#). Section 32 is amended by schedule 5, Part 1, paragraph 2(2) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). Section 33 is amended by section 34 of the Private Rented Housing (Scotland) Act 2011 ([asp 14](#)), schedule 1, Part 1, paragraph 44 of the Housing (Scotland) Act 2014 ([asp 14](#)) and schedule 5, Part 1, paragraph 2(3) of the 2016 Act.

**Status:** This version of this Instrument contains provisions that are prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Private Housing (Tenancies) (Scotland) Act 2016 (Commencement No. 2 and Saving Provision) Regulations 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (c) a new contractual tenancy (within the meaning given in section 32(3)(b) of the 1988 Act) which comes into being after 1st December 2017 at the end of a short assured tenancy which is a short assured tenancy in a case mentioned in paragraph (a) or (b).

**Commencement Information**

**I3** Reg. 3 in force at 1.12.2017, see [reg. 1\(1\)](#)

St Andrew's House,  
Edinburgh  
12th September 2017

*KEVIN STEWART*  
Authorised to sign by the Scottish Ministers

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**Changes and effects yet to be applied to :**

- Sch. coming into force by [S.S.I. 2017/293 reg. 1\(1\)](#)
- Regulations revoked by [S.S.I. 2017/346 reg. 7](#)
- reg. 1 coming into force by [S.S.I. 2017/293 reg. 1\(1\)](#)
- reg. 2 coming into force by [S.S.I. 2017/293 reg. 1\(1\)](#)
- reg. 3 coming into force by [S.S.I. 2017/293 reg. 1\(1\)](#)