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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 346**

**The Private Housing (Tenancies) (Scotland) Act  
2016 (Commencement No. 3, Amendment, Saving  
Provision and Revocation) Regulations 2017**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Private Housing (Tenancies) (Scotland) Act 2016 (Commencement No. 3, Amendment, Saving Provision and Revocation) Regulations 2017 and come into force on 1st December 2017.

(2) In these Regulations—

“the 1988 Act” means the Housing (Scotland) Act 1988(1); and

“the 2016 Act” means the Private Housing (Tenancies) (Scotland) Act 2016.

**Appointed day**

2.—(1) Subject to paragraph (2), the day appointed for the coming into force of the provisions of the 2016 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.

**Amendment of the Rent (Scotland) Act 1984**

3.—(1) The Rent (Scotland) Act 1984(2) is amended in accordance with paragraph (2).

(2) In section 3B(1)(a)(3) for “the day that section 1 of the Private Housing (Tenancies) (Scotland) Act 2016 comes into force” substitute “1 December 2017”.

**Amendment of the Housing (Scotland) Act 1988**

4.—(1) The 1988 Act is amended in accordance with paragraphs (2) and (3).

(2) In section 12(1A)(4) for “the day that section 1 of the Private Housing (Tenancies) (Scotland) Act 2016 comes into force” substitute “1 December 2017”.

(3) In section 31A(1)(a)(5) for “the day that section 1 of the Private Housing (Tenancies) (Scotland) Act 2016 comes into force” substitute “1 December 2017”.

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(1) 1988 c.43.

(2) 1984 c.58.

(3) Section 3B is inserted by paragraph 4 of schedule 5 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). Paragraph 4 of schedule 5 of the 2016 Act comes into force on 1st December 2017 by virtue of these Regulations.

(4) Section 12(1A) is inserted by paragraph 1(3) of schedule 5 of the 2016 Act. Section 12 is further amended by paragraphs 1(2) and 3(2) of schedule 5 of the 2016 Act. Paragraphs 1(2) and (3) and 3 of schedule 5 of the 2016 Act come into force on 1st December 2017 by virtue of these Regulations.

(5) Section 31A is inserted by paragraph 5 of schedule 5 of the 2016 Act. Paragraph 5 of schedule 5 of the 2016 Act comes into force on 1st December 2017 by virtue of these Regulations.

## **Amendment of the Private Housing (Tenancies) (Scotland) Act 2016**

- 5.—(1) The 2016 Act is amended in accordance with paragraph (2).  
(2) Section 8(5) is repealed.

### **Saving provision**

6. Despite the amendments made by section 75 and paragraphs 1, 2 and 3 of schedule 5 of the 2016 Act, sections 12, 32(6) and 33(7) of the 1988 Act 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
- (c) a new contractual tenancy (within the meaning given in section 32(3)(b) of the 1988 Act) which comes into being on or 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).

### **Revocation**

7. The Private Housing (Tenancies) (Scotland) Act 2016 (Commencement No. 2 and Saving Provision) Regulations 2017(8) are revoked.

St Andrew's House,  
Edinburgh  
24th October 2017

*KEVIN STEWART*  
Authorised to sign by the Scottish Ministers

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(6) Section 32 is amended by paragraph 2(2) of schedule 5 of the 2016 Act. Paragraph 2(2) of schedule 5 of the 2016 Act comes into force on 1st December 2017 by virtue of these Regulations.

(7) Section 33 was previously amended by section 34 of the Private Rented Housing (Scotland) Act 2011 ([asp 14](#)) and paragraph 44 of schedule 1 of the Housing (Scotland) Act 2014 ([asp 14](#)). The amendment made by paragraph 44 of schedule 1 of that Act comes into force on 1st December 2017 by virtue of [S.S.I. 2017/330](#). Section 33 is further amended by paragraph 2(3) of schedule 5 of the 2016 Act. Paragraph 2(3) of schedule 5 of the 2016 Act comes into force on 1st December 2017 by virtue of these Regulations.

(8) [S.S.I. 2017/293](#).