



Private Rented Housing (Scotland) Act 2011

2011 asp 14

PART 4

MISCELLANEOUS

36 Relaxation of residential restriction on leases of more than 20 years

(1) Section 8 of the Land Tenure Reform (Scotland) Act 1974 (c. 38) (property let under a future long lease, etc. not to be used as a private dwelling) is amended as follows.

(2) In subsection (3A)—

(a) the word “or” immediately following paragraph (b) is repealed, and

(b) after paragraph (c), add “; or

(d) a body prescribed, or of a type prescribed, by the Scottish Ministers by order made by statutory instrument.”.

(3) After subsection (3A), insert—

“(3B) An order under subsection (3A)(d) may—

(a) prescribe a body or type of body subject to conditions or restrictions,

(b) prescribe conditions which a body or type of body must meet for the purposes of subsection (3A),

(c) restrict the application of subsection (3A) to specified leases, or leases of specified descriptions,

(d) prescribe circumstances in which subsection (3A) is to apply or cease to apply in relation to a body or type of body or any lease,

(e) make provision about the consequences, in relation to any lease, of—

(i) a breach of any condition or restriction prescribed by the order, or

(ii) subsection (3A) otherwise ceasing to apply in relation to a body or type of body or the lease.

Changes to legislation: There are currently no known outstanding effects for the Private Rented Housing (Scotland) Act 2011, Section 36. (See end of Document for details)

- (3C) Provision made by virtue of subsection (3B)(e) may, in particular, include provision for the protection of the interests of tenants or occupiers of any dwelling-houses on the property which is subject to the lease.
- (3D) An order under subsection (3A)(d)—
- (a) may modify any enactment, and
 - (b) is not to be made unless a draft of the statutory instrument containing the order has been laid before, and approved by resolution of, the Scottish Parliament.”.

Commencement Information

II S. 36 in force at 31.8.2011 by [S.S.I. 2011/270](#), art. 2, [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Private Rented Housing (Scotland) Act 2011, Section 36.