



Private Housing (Tenancies) (Scotland) Act 2016 2016 asp 19

PRIVATE HOUSING (TENANCIES) (SCOTLAND) ACT 2016

PART 1

PRIVATE RESIDENTIAL TENANCY

- 1 Meaning of private residential tenancy
- 2 Interpretation of section 1
- 3 Writing not required to constitute private residential tenancy
- 4 Extended meaning of tenancy in this Act
- 5 Extended meaning of tenancy and related expressions in other enactments
- 6 Power to modify schedule 1

PART 2

TENANCY TERMS

- 7 Statutory terms of tenancy
- 8 Regulations under section 7
- 9 Protection of terms allowing use of shared living accommodation

PART 3

TENANCY INFORMATION

Landlord's duties to provide information

- 10 Duty to provide written terms of tenancy
- 11 Duty to provide specified information
- 12 Regulations about providing information
- 13 Prohibition on charging for information

First-tier Tribunal's powers

- 14 Application to First-tier Tribunal to draw up terms
- 15 First-tier Tribunal's power to draw up terms
- 16 First-tier Tribunal's power to sanction failure to provide information
- 17 Meaning of notice period in sections 14 and 16

PART 4

RENT

CHAPTER 1

RESTRICTIONS IN RELATION TO RENT, OTHER CHARGES AND DILIGENCE

Restrictions on rent increases

- 18 Method by which rent may be increased
- 19 Frequency with which rent may be increased

Restrictions on other charges and diligence

- 20 No premiums, advance payments, etc.
- 21 Restriction on diligence

CHAPTER 2

RENT VARIATION INSTIGATED BY LANDLORD'S NOTICE

Process by which rent may be varied

- 21A Rent cap controls
- 22 Landlord's power to increase rent
- 23 Modification of rent-increase notice by parties
- 24 Tenant's right to refer increase to rent officer
- 25 Rent officer's power to set rent
- 26 Rent officer's duty to issue provisional order
- 27 Rent officer's power to correct final order
- 28 Right of appeal to First-tier Tribunal
- 29 First-tier Tribunal's power to set rent
- 30 Finality of First-tier Tribunal's decision
- 31 Liability for over or under paid rent
- 32 Determination of open market rent
- 33 Withdrawal of referral or appeal

Power to modify Chapter 2

- 33ZA Power to modify Chapter 2

CHAPTER 2A

RENT VARIATION INSTIGATED BY LANDLORD'S APPLICATION TO RENT OFFICER

- 33A Landlord application to rent officer to increase rent above permitted rate
- 33B Rent officer's power to apply rent increase above permitted rate
- 33C Appeal to the First-tier Tribunal

- 33D Withdrawal or dismissal of appeal to the First-tier Tribunal
- 33E Finality of First-tier Tribunal's decision
- 33F Powers to adjust maximum amount of increased costs by which rent may be increased
- 33G Liability for underpaid rent

Information about open market rent determinations

- 34 Duty to make information available

...

- 34A Power to modify Chapter

CHAPTER 3

RENT PRESSURE ZONES

Designation and effect of rent pressure zone

- 35 Request by local authority that a zone be designated
- 36 Scottish Ministers' duty to react to request
- 37 Power to designate a zone
- 38 Restriction on rent increases within a zone
- 39 Limits on power to designate a zone
- 40 Procedure for designating a zone: consultation and information
- 41 Power to change inflation index

Improvements to let property

- 42 Rent officer's power to allow rent rise in consequence of improvement
- 43 Further provision about making and determining an application under section 42

PART 5

TERMINATION

CHAPTER 1

SECURITY OF TENURE

- 44 No termination by parties except in accordance with this Part
- 45 Landlord's interest transfers with ownership of property
- 46 Protection for sub-tenants
- 47 Qualification of sub-tenant protection

CHAPTER 2

TERMINATION BY TENANT

- 48 Tenant's ability to bring tenancy to an end
- 49 Requirements for notice to be given by tenant

CHAPTER 3

TERMINATION AT LANDLORD'S INSTIGATION

Consensual termination

- 50 Termination by notice to leave and tenant leaving

Eviction order

- 51 First-tier Tribunal's power to issue an eviction order
52 Applications for eviction orders and consideration of them
53 First-tier Tribunal's power to disapply protection for sub-tenants

Restrictions on applying for eviction order

- 54 Restriction on applying during the notice period
55 Restriction on applying 6 months after the notice period expires
56 Restriction on applying without notifying local authority

Wrongful termination

- 57 Wrongful termination by eviction order
58 Wrongful termination without eviction order
59 Wrongful-termination order
60 Notice to local authority of wrongful-termination order

Sub-tenancies

- 61 Sub-tenancy notice to leave

CHAPTER 4

INTERPRETATION OF PART

- 62 Meaning of notice to leave and stated eviction ground
63 Landlord includes lender in some cases
64 Six month periods

PART 6

DEATH OF THE TENANT

- 65 Termination of tenancy on tenant's death
66 Termination of joint tenant's interest on death
67 Partner's entitlement to inherit
68 Other family member's entitlement to inherit
69 Carer's entitlement to inherit
70 Interpretation of Part

PART 7

MISCELLANEOUS PROVISIONS

- 71 First-tier Tribunal's jurisdiction
72 First-tier Tribunal's duty to report unregistered landlords
73 Minor errors in documents

PART 8

CONSEQUENTIAL AND TRANSITIONAL PROVISION

- 74 Consequential modifications
- 75 Transitional provision

PART 9

FINAL PROVISIONS

- 76 Ancillary regulations
- 77 Regulation-making powers
- 78 Interpretation
- 79 Commencement
- 80 Short title

SCHEDULE 1 — TENANCIES WHICH CANNOT BE PRIVATE RESIDENTIAL TENANCIES

Low rent

- 1 (1) A tenancy cannot be a private residential tenancy if—...

Shop

- 2 A tenancy cannot be a private residential tenancy if it...

Licensed premises

- 3 A tenancy cannot be a private residential tenancy if it...

Agricultural land

- 4 (1) A tenancy cannot be a private residential tenancy if...

Student let

- 5 (1) A tenancy cannot be a private residential tenancy if—...

Holiday let

- 6 (1) A tenancy cannot be a private residential tenancy if...

Resident landlord

- 7 A tenancy cannot be a private residential tenancy if paragraph...
- 8 This paragraph applies to a tenancy if—
- 9 (1) This paragraph applies to a tenancy if sub-paragraphs (2)...
- 10 If, at any time, the landlord holds the landlord's interest...
- 11 In a case where two or more persons jointly are...

Police housing

- 12 A tenancy cannot be a private residential tenancy if the...

Military housing

13 A tenancy cannot be a private residential tenancy if the...

Social housing

14 A tenancy cannot be a private residential tenancy if the...

Sublet, assigned, etc. social housing

15 A tenancy cannot be a private residential tenancy if it...

Homeless persons

16 A tenancy cannot be a private residential tenancy if it...

Persons on probation or released from prison etc.

17 A tenancy cannot be a private residential tenancy if it...

Asylum seekers

18 A tenancy cannot be a private residential tenancy if the...

Displaced persons

19 A tenancy cannot be a private residential tenancy if the...

Shared ownership

20 A tenancy cannot be a private residential tenancy if it...

Tenancies under previous legislation

21 A tenancy cannot be a private residential tenancy if it...

Accommodation for veterans and care leavers

22 (1) A tenancy cannot be a private residential tenancy if...

SCHEDULE 2 — STATUTORY TERMS REQUIRED BY SECTION 8

Rent receipts

1 Where any payment of rent is made in cash, the...

Rent increases

2 The rent may be increased in accordance with Chapter 2...

Notification about other residents

3 If a person aged 16 or over (who is not...

4 If— (a) in accordance with the term specified in paragraph...

Subletting etc.

5 The tenant may not, without the written agreement of the...

Access for repairs etc.

- 6 The tenant is to allow reasonable access to the let...
7 (1) The following are authorised purposes— (a) carrying out any...
8 The tenant is to allow reasonable use of facilities within...

SCHEDULE 3 — EVICTION GROUNDS
PART 1 — LET PROPERTY REQUIRED FOR ANOTHER PURPOSE

Landlord intends to sell

- 1 (1) It is an eviction ground that the landlord intends...
1A Landlord intends to sell property to alleviate financial hardship

Property to be sold by lender

- 2 (1) It is an eviction ground that a lender intends...

Landlord intends to refurbish

- 3 (1) It is an eviction ground that the landlord intends...

Landlord intends to live in property

- 4 (1) It is an eviction ground that the landlord intends...
4A Landlord intends to live in property to alleviate financial hardship

Family member intends to live in property

- 5 (1) It is an eviction ground that a member of...

Landlord intends to use for non-residential purpose

- 6 (1) It is an eviction ground that the landlord intends...

Property required for religious purpose

- 7 (1) It is an eviction ground that the let property...
PART 2 — TENANT'S STATUS

Not an employee

- 8 (1) It is an eviction ground that the tenancy was...

No longer in need of supported accommodation

- 9 (1) It is an eviction ground that the tenancy was...
PART 3 — TENANT'S CONDUCT

Not occupying let property

- 10 (1) It is an eviction ground that the tenant is...

Breach of tenancy agreement

- 11 (1) It is an eviction ground that the tenant has...

Rent arrears

- 12 (1) It is an eviction ground that the tenant has...
12A Substantial rent arrears

Criminal behaviour

- 13 (1) It is an eviction ground that the tenant has...

Anti-social behaviour

- 14 (1) It is an eviction ground that the tenant has...

*Association with person who has relevant conviction
or engaged in relevant anti-social behaviour*

- 15 (1) It is an eviction ground that the tenant associates...
PART 4 — LEGAL IMPEDIMENT TO LET CONTINUING

Landlord has ceased to be registered

- 16 (1) It is an eviction ground that the landlord is...

HMO licence has been revoked

- 17 (1) It is an eviction ground that the let property...

Overcrowding statutory notice

- 18 (1) It is an eviction ground that an overcrowding statutory...

SCHEDULE 4 — CONSEQUENTIAL MODIFICATIONS

Land Tenure Reform (Scotland) Act 1974

- 1 After section 8(3) of the Land Tenure Reform (Scotland) Act...

Rent (Scotland) Act 1984

- 2 (1) The Rent (Scotland) Act 1984 is amended as follows....

Bankruptcy (Scotland) Act 1985

- 3 In section 31(9) of the Bankruptcy (Scotland) Act 1985, after...

Housing (Scotland) Act 1987

- 4 (1) The Housing (Scotland) Act 1987 is amended as follows....

Social Security Contributions and Benefits Act 1992

- 5 In section 130C(2) of the Social Security Contributions and Benefits...

Requirements of Writing (Scotland) Act 1995

- 6 After section 1(7) of the Requirements of Writing (Scotland) Act...

Housing (Scotland) Act 2001

- 7 (1) The Housing (Scotland) Act 2001 is amended as follows....

Changes to legislation: There are currently no known outstanding effects for the
Private Housing (Tenancies) (Scotland) Act 2016. (See end of Document for details)

Homelessness etc. (Scotland) Act 2003

- 8 In section 11(5) of the Homelessness etc. (Scotland) Act 2003,...

Housing (Scotland) Act 2006

- 9 (1) The Housing (Scotland) Act 2006 is amended as follows....

Bankruptcy and Diligence etc. (Scotland) Act 2007

- 10 (1) The Bankruptcy and Diligence etc. (Scotland) Act 2007 is...

Housing (Scotland) Act 2014

- 11 In section 94(1) of the Housing (Scotland) Act 2014, after...

SCHEDULE 5 — TRANSITION FROM REGIMES UNDER EARLIER
ENACTMENTS
PART 1 — NO NEW ASSURED TENANCIES

No new assured tenancies

- 1 (1) Section 12 of the Housing (Scotland) Act 1988 is...

No new short assured tenancies

- 2 (1) The Housing (Scotland) Act 1988 is amended as follows....

PART 2 — CONVERSION OF TENANCIES UNDER PREVIOUS
REGIMES

Change of tenancy status by agreement

- 3 (1) The Housing (Scotland) Act 1988 is amended as follows....

Change of tenancy status on succession

- 4 After section 3A of the Rent (Scotland) Act 1984 there...

- 5 After section 31 of the Housing (Scotland) Act 1988 there...

Changes to legislation:

There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016.