



Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

PART 9

FINAL PROVISIONS

76 Ancillary regulations

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with, or for giving full effect to this Act or any provision made under it.
- (2) Regulations under this section—
 - (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act (including this Act),
 - (b) otherwise, are subject to the negative procedure.

77 Regulation-making powers

- (1) A power to make regulations conferred by this Act includes the power to make different provision for different purposes.
- (2) Regulations under section 17(3), 22(2)(b), 61(3)(b) or 62(1)(d) prescribing requirements which must be fulfilled by a notice may in particular require that a notice—
 - (a) contain information specified in the regulations,
 - (b) be in a form specified in the regulations,
 - (c) be given in a manner specified in the regulations.
- (3) Regulations under sections 6, 7, 11, 12, [F1[F233ZA]] 37 and 41 [F3] and paragraph 12(4) (b) of schedule 3] are subject to the affirmative procedure.
- (4) Regulations under sections 17, 22, 24, 34, 43, 61 and 62 are subject to the negative procedure.

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, PART 9. (See end of Document for details)

Textual Amendments

- F1** Word in s. 77(3) inserted (temp.) (28.10.2022) by virtue of [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(asp 10\)](#), s. 13(1), [sch. 3 para. 1\(3\)](#) (with s. 11)
- F2** Word in s. 77(3) (which is treated as temp. inserted) substituted (31.3.2023) by virtue of [The Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(Incidental Provision\) Regulations 2023 \(S.S.I. 2023/116\)](#), regs. 1(2), [2\(3\)](#)
- F3** Words in s. 77(3) inserted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), [ss. 46\(3\)](#), 59(1) (with s. 48(1))

Modifications etc. (not altering text)

- C1** [S. 77\(3\)](#) modified (temp.) (28.10.2022) by [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(asp 10\)](#), s. 13(1), [sch. 1 para. 1\(1\)\(20\)](#) (with [ss. 1\(2\)](#), 6, 7, 8) (as amended: (1.4.2023) by [S.S.I. 2023/82](#), [regs. 1\(3\)](#), [2\(2\)](#); and (27.9.2023) by [S.S.I. 2023/275](#), [regs. 1\(2\)](#), [2\(2\)](#))

78 Interpretation

(1) In this Act—

“eviction ground” means a ground named in schedule 3 on the basis of which an eviction order may be issued,

“eviction order” means an order issued under section 51,

“First-tier Tribunal” means the First-tier Tribunal for Scotland,

“private residential tenancy” means a tenancy which is a private residential tenancy by virtue of section 1,

“rent” means any sums payable periodically by the tenant to the landlord in connection with the tenancy (and includes, for the avoidance of doubt, any sums payable in respect of services, repairs, maintenance or insurance),

“rent-increase notice” has the meaning given by section 22(1),

“rent officer” has the meaning given by section 43 of the Rent (Scotland) Act 1984,

“statutory term” has the meaning given by section 7(1),

“tenancy” (the meaning of which is extended by section 4) includes sub-tenancy,

“tenant” includes sub-tenant.

(2) In a case where two or more persons jointly are the landlord under a tenancy, references in this Act to the landlord are to all of those persons unless stated otherwise.

(3) In a case where two or more persons jointly are the tenant under a tenancy, references in this Act to the tenant are to all of those persons unless stated otherwise.

79 Commencement

(1) This Part comes into force on the day after Royal Assent.

(2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.

(3) Regulations under subsection (2) may include transitional, transitory or saving provision.

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, PART 9. (See end of Document for details)

- (4) Regulations under subsection (2) appointing the day that section 1 is to come into force may—
- (a) amend the following enactments so that, instead of referring to the day on which section 1 comes into force, they specify the date that section 1 actually comes into force—
 - (i) section 12(1A) of the Housing (Scotland) Act 1988,
 - (ii) section 31A(1)(a) of that Act,
 - (iii) section 3B(1)(a) of the Rent (Scotland) Act 1984, and
 - (b) repeal section 8(5) on the day that section 1 comes into force.

80 Short title

The short title of this Act is the Private Housing (Tenancies) (Scotland) Act 2016.

Changes to legislation:

There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, PART 9.