



# Coronavirus (Recovery and Reform) (Scotland) Act 2022

## 2022 asp 8

### PART 4

#### TENANCIES

##### *Saving and transitional provision*

#### **48 Tenancies: saving provision**

- (1) In relation to a notice to leave (within the meaning of section 62 of the 2016 Act) served on a tenant before 1 October 2022—
  - (a) the 2016 Act continues to apply in accordance with the modifications made by paragraph 1 of schedule 1 of the 2020 Act and paragraph 5 of schedule 1 of the [2020 \(No.2\) Act](#) (despite those paragraphs' expiry),
  - (b) the 2020 Regulations continue to apply (despite regulation 1 of those Regulations and the expiry of paragraph 5 of schedule 1 of the [2020 \(No.2\) Act](#)),
  - (c) the modifications made to the 2016 Act by sections 33 and 36 of this Act do not apply.
- (2) In relation to a notice served on a tenant under section 19 or 33(1)(d) of the 1988 Act before 1 October 2022—
  - (a) the 1988 Act continues to apply in accordance with the modifications made by paragraph 3 of schedule 1 of the 2020 Act and paragraph 4 of schedule 1 of the [2020 \(No.2\) Act](#) (despite those paragraphs' expiry),
  - (b) the 2020 Regulations continue to apply (despite regulation 1 of those Regulations and the expiry of paragraph 4 of schedule 1 of the [2020 \(No.2\) Act](#)),
  - (c) the modifications made to the 1988 Act by sections 34 and 37 of this Act do not apply.
- (3) In relation to a notice served on a tenant in accordance with section 112(1) of the 1984 Act before 1 October 2022—

*Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Recovery and Reform) (Scotland) Act 2022, Cross Heading: Saving and transitional provision. (See end of Document for details)*

- (a) the 1984 Act continues to apply in accordance with the modifications made by paragraph 5 of schedule 1 of the 2020 Act (despite that paragraph’s expiry),
  - (b) the modifications made to the 1984 Act by section 35 of this Act do not apply.
- (4) In this section—
- “the 1984 Act” means the Rent (Scotland) Act 1984,
  - “the 1988 Act” means the Housing (Scotland) Act 1988,
  - “the 2016 Act” means the Private Housing (Tenancies) (Scotland) Act 2016,
  - “the 2020 Act” means the Coronavirus (Scotland) Act 2020,
  - “the 2020 (No.2) Act” means the Coronavirus (Scotland) (No.2) Act 2020,
  - “the 2020 Regulations” means the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 (S.S.I. 2020/304).

#### Commencement Information

**I1** S. 48 in force at 1.10.2022, see s. 59(1)

## 49 Tenancies: transitional provision

- (1) The 2020 Regulations continue in force (despite regulation 1 of those Regulations and the expiry of paragraphs 4 and 5 of schedule 1 of the 2020 (No.2) Act).
- (2) They are deemed to have been made under the powers conferred by section 18(4A)(b) of the 1988 Act and paragraph 12(4)(b) of schedule 3 of the 2016 Act.
- (3) In the 2020 Regulations—
  - (a) references to the pre-action requirements are to be read as references to the pre-action protocol,
  - (b) the reference in regulation 3 to section 18(3C) is to be read as a reference to section 18(4A)(b),
  - (c) the reference in regulation 4 to paragraph 12(3B) is to be read as a reference to paragraph 12(4)(b).
- (4) Nothing in this section affects the 2020 Regulations insofar as they continue to apply by virtue of section 48.
- (5) In this section—
  - “the 1988 Act” means the Housing (Scotland) Act 1988,
  - “the 2016 Act” means the Private Housing (Tenancies) (Scotland) Act 2016,
  - “the 2020 (No.2) Act” means the Coronavirus (Scotland) (No.2) Act 2020,
  - “the 2020 Regulations” means the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 (S.S.I. 2020/304).

#### Commencement Information

**I2** S. 49 in force at 1.10.2022, see s. 59(1)

**Changes to legislation:**

There are currently no known outstanding effects for the Coronavirus (Recovery and Reform) (Scotland) Act 2022, Cross Heading: Saving and transitional provision.