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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 270 (C. 22)**

**HOUSING**

**The Private Rented Housing (Scotland) Act 2011  
(Commencement No. 1 and Saving Provision) Order 2011**

<i>Made</i>	- - - -	<i>16th June 2011</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>20th June 2011</i>
<i>Coming into force</i>	- -	<i>31st August 2011</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 41(3) and (4) of the Private Rented Housing (Scotland) Act 2011<sup>(1)</sup>.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Private Rented Housing (Scotland) Act 2011 (Commencement No. 1 and Saving Provision) Order 2011 and comes into force on 31st August 2011.

(2) In this Order “the Act” means the Private Rented Housing (Scotland) Act 2011.

**Commencement of provisions**

2.—(1) Subject to paragraph (2), the provisions of the Act specified in column 1 of the Schedule (the subject matter of which is specified in column 2 of the Schedule) come into force on 31st August 2011.

(2) Where a purpose is specified in column 3 of the Schedule in relation to any provision, that provision comes into force on 31st August 2011 for that purpose only.

**Saving provision**

3.—(1) The amendment made by section 7 of the Act (penalty for acting as unregistered landlord etc.) is of no effect in relation to an offence committed before 31st August 2011.

(2) For the purposes of paragraph (1), where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it is to be taken to have been committed on the first of those days.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
16th June 2011

*KEITH BROWN*  
Authorised to sign by the Scottish Ministers

## SCHEDULE

Article 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provisions of the Act</i>	<i>Subject matter</i>	<i>Purpose</i>
Section 2	Fit and proper person: criminal record certificate	
Section 4(a)	Appointment of agents (fees)	Only for the purpose of enabling the Scottish Ministers to prescribe matters by regulations
Section 4(b)	Appointment of agents (offence)	
Section 7	Penalty for acting as unregistered landlord etc.	
Section 10	Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004(2): guidance	
Section 13(1), (3) and (6)	Amendment of the licensing regime for houses in multiple occupation	
Section 14	Penalty for certain offences in relation to houses in multiple occupation	
Section 15	Reasons for decisions	
Section 16	Guidance	
Section 33	Tenant information packs	Only for the purpose of enabling the Scottish Ministers to specify documents and make provision by order
Section 34	Notices required for termination of short assured tenancy	

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(2) 2004 asp 8.

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provisions of the Act</i>	<i>Subject matter</i>	<i>Purpose</i>
Section 36	Relaxation of residential restriction on leases of more than 20 years	
Section 37	Restriction of right to redeem heritable securities after 20 years	

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings certain provisions of the Private Rented Housing (Scotland) Act 2011 (“the Act”) into force on 31st August 2011.

Sections 4(a) and 33 of the Act are brought into force on that date for the purposes of making subordinate legislation only.

Article 3 makes provision to ensure that the increased penalty for landlord registration offences, introduced by section 7 of the Act, does not apply to offences committed before 31st August 2011.

The Bill for the Act received Royal Assent on 20th April 2011. Part 5 of the Act (sections 38 to 41: general provisions) came into force the following day.