

Status: Point in time view as at 01/12/2017. This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, SCHEDULE 4. (See end of Document for details)

SCHEDULE 4

(introduced by section 74)

CONSEQUENTIAL MODIFICATIONS

Land Tenure Reform (Scotland) Act 1974

1 After section 8(3) of the Land Tenure Reform (Scotland) Act 1974, there is inserted—

“(3ZA) The condition contained in subsection (1) above does not apply in relation to a private residential tenancy as defined in the Private Housing (Tenancies) (Scotland) Act 2016.”.

Commencement Information

I1 Sch. 4 para. 1 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, sch.

Rent (Scotland) Act 1984

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

(2) In section 43A(2) and (7), for the words “section 70 of the Housing (Scotland) Act 1988” there is substituted “ Chapter 2 of Part 4 of the Private Housing (Tenancies) (Scotland) Act 2016 ”.

(3) In section 53(1)(b), for the words “or the Housing (Scotland) Act 1988” there is substituted “ , the Housing (Scotland) Act 1988 or Chapter 2 of Part 4 of the Private Housing (Tenancies) (Scotland) Act 2016 ”.

Commencement Information

I2 Sch. 4 para. 2 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, sch.

Bankruptcy (Scotland) Act 1985

3 In section 31(9) of the Bankruptcy (Scotland) Act 1985, after paragraph (c) there is inserted “, or

(d) a private residential tenancy as defined in the Private Housing (Tenancies) (Scotland) Act 2016.”.

Commencement Information

I3 Sch. 4 para. 3 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, sch.

Housing (Scotland) Act 1987

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

(2) In section 20B(6), after paragraph (c) there is inserted—

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- “(ca) an eviction order within the meaning of the Private Housing (Tenancies) (Scotland) Act 2016 has been issued against the person.”.
- (3) In section 24(5), after paragraph (d) there is inserted—
 “(e) secured by a private residential tenancy.”.
- (4) In section 31(5)—
 (a) paragraph (b) is repealed,
 (b) after paragraph (c) there is inserted—
 “(d) secured by a private residential tenancy.”.
- (5) In section 43, after the definition of “private accommodation offer” there is inserted—
 ““private residential tenancy” has the meaning given by the Private Housing (Tenancies) (Scotland) Act 2016;”.
- (6) In section 128—
 (a) for the words “the Rent (Scotland) Act 1984 or in Part II of the Housing (Scotland) Act 1988” there is substituted “ an enactment mentioned in subsection (2) ”,
 (b) the existing text becomes subsection (1),
 (c) after that subsection, there is inserted—
 “(2) The enactments referred to in subsection (1) are—
 (a) the Rent (Scotland) Act 1984;
 (b) Part II of the Housing (Scotland) Act 1988;
 (c) the Private Housing (Tenancies) (Scotland) Act 2016.”,
 (d) the title of the section becomes “ **Recovery of possession of house subject to statutorily regulated tenancy** ”.
- (7) In section 145—
 (a) in paragraph (a), for the words “the Rent (Scotland) Act 1984 or in Part II of the Housing (Scotland) Act 1988” there is substituted “ an enactment mentioned in subsection (2) ”,
 (b) the existing text becomes subsection (1),
 (c) after that subsection, there is inserted—
 “(2) The enactments referred to in subsection (1) are—
 (a) the Rent (Scotland) Act 1984;
 (b) Part II of the Housing (Scotland) Act 1988;
 (c) the Private Housing (Tenancies) (Scotland) Act 2016.”.
- (8) In section 311(2), in the definition of “interest”, for the words from “a tenant for a year or any less period” to the end there is substituted—
 “(i) a tenant for a year or any shorter period;
 (ii) a statutory tenant within the meaning of the Rent (Scotland) Act 1984;
 (iii) a statutory assured tenant within the meaning of the Housing (Scotland) Act 1988;

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(iv) a tenant under a private residential tenancy as defined in the Private Housing (Tenancies) (Scotland) Act 2016;”.

Commencement Information

I4 Sch. 4 para. 4 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, sch.

PROSPECTIVE

Social Security Contributions and Benefits Act 1992

5 In section 130C(2) of the Social Security Contributions and Benefits Act 1992, before paragraph (a) there is inserted—

- “(za) an eviction order issued under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 on the ground—
- (i) that the tenant has a relevant conviction,
 - (ii) that the tenant has engaged in relevant anti-social behaviour, or
 - (iii) that the tenant associates in the let property with a person who has a relevant conviction or has engaged in relevant anti-social behaviour;”.

Requirements of Writing (Scotland) Act 1995

6 After section 1(7) of the Requirements of Writing (Scotland) Act 1995, there is inserted—

“(7A) A private residential tenancy as defined in the Private Housing (Tenancies) (Scotland) Act 2016 is not a “real right in land” for the purposes of this section.”.

Commencement Information

I5 Sch. 4 para. 6 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, sch.

Housing (Scotland) Act 2001

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

(2) In section 7(2)(b) after sub-paragraph (iv) there is inserted—

“(v) a private residential tenancy or what would be a private residential tenancy but for paragraph 6 of schedule 1 of the 2016 Act.”.

(3) In section 32(7), after paragraph (b) there is inserted “, or
(c) a private residential tenancy;”.

(4) In section 111—

(a) after the definition of “the 1988 Act”, insert—

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““the 2016 Act” means the Private Housing (Tenancies) (Scotland) Act 2016,”

(b) after the definition of “local authority landlord”, insert—

““private residential tenancy” has the meaning given by the 2016 Act,”.

(5) In schedule 2, in paragraph 16(a), for the words “an assured tenancy” there is substituted “a private residential tenancy”.

(6) In paragraph 1 of schedule 6—

(a) after the word “possession” there is inserted “or an eviction order”,

(b) after the word “made” there is inserted “or issued”,

(c) after paragraph (f) there is inserted—

“(g) under the 2016 Act on the ground—

(i) that the tenant has a relevant conviction,

(ii) that the tenant has engaged in relevant anti-social behaviour, or

(iii) that the tenant associates in the let property with a person who has a relevant conviction or has engaged in relevant anti-social behaviour.”.

Commencement Information

16 Sch. 4 para. 7 in force at 1.12.2017 by [S.S.I. 2017/346](#), reg. 2, sch.

Homelessness etc. (Scotland) Act 2003

8 In section 11(5) of the Homelessness etc. (Scotland) Act 2003, after paragraph (g) there is inserted—

“(h) section 56 of the Private Housing (Tenancies) (Scotland) Act 2016.”.

Commencement Information

17 Sch. 4 para. 8 in force at 1.12.2017 by [S.S.I. 2017/346](#), reg. 2, sch.

Housing (Scotland) Act 2006

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

(2) In section 38—

(a) in subsection (10), for the words from “the Rent” to “(c. 43)” there is substituted “an enactment mentioned in subsection (11)”,

(b) after subsection (10), there is inserted—

“(11) The enactments referred to in subsection (10) are—

(a) the Rent (Scotland) Act 1984,

(b) Part 2 of the Housing (Scotland) Act 1988,

(c) the Private Housing (Tenancies) (Scotland) Act 2016.”.

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- (3) In paragraph 3 of schedule 5—
- (a) in sub-paragraph (10), for the words from “the Rent” to “(c. 43)” there is substituted “ an enactment mentioned in sub-paragraph (11) ”,
 - (b) after sub-paragraph (10), there is inserted—
 - “(11) The enactments referred to in sub-paragraph (10) are—
 - (a) the Rent (Scotland) Act 1984,
 - (b) Part 2 of the Housing (Scotland) Act 1988,
 - (c) the Private Housing (Tenancies) (Scotland) Act 2016.”.

Commencement Information

18 Sch. 4 para. 9 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, sch.

Bankruptcy and Diligence etc. (Scotland) Act 2007

- 10 (1) The Bankruptcy and Diligence etc. (Scotland) Act 2007 is amended as follows.
- (2) In section 214(2)—
- (a) the word “and” after paragraph (i) is repealed,
 - (b) at the end of paragraph (j) there is inserted “; and
 - (k) an eviction order issued under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016.”.
- (3) In section 216—
- (a) in subsection (2A)—
 - (i) after the word “tenancy” there is inserted “ or private residential tenancy ”,
 - (ii) the words “(within the meaning of Part II of the Housing (Scotland) Act 1988 (c.43))” are repealed,
 - (b) after subsection (2A), there is inserted—
 - “(2B) In subsection (2A)—
 - “assured tenancy” has the same meaning as in Part 2 of the Housing (Scotland) Act 1988,
 - “private residential tenancy” has the same meaning as in the Private Housing (Tenancies) (Scotland) Act 2016.”.

Commencement Information

19 Sch. 4 para. 10 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, sch.

Housing (Scotland) Act 2014

- 11 In section 94(1) of the Housing (Scotland) Act 2014, after paragraph (c) there is inserted—
- “(de) a function conferred on, or transferred to, the Tribunal by virtue of the Private Housing (Tenancies) (Scotland) Act 2016.”.

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Commencement Information

I10 Sch. 4 para. 11 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, sch.

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