

2012 No. 2 (C. 2)

HOUSING

**The Private Rented Housing (Scotland) Act 2011
(Commencement No. 2 and Transitional Provision) Order 2012**

Made - - - - *10th January 2012*

Laid before the Scottish Parliament *12th January 2012*

Coming into force - - *31st January 2012*

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^(a).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Private Rented Housing (Scotland) Act 2011 (Commencement No. 2 and Transitional Provision) Order 2012 and comes into force on 31st January 2012.

(2) In this Order—

“the 2011 Act” means the Private Rented Housing (Scotland) Act 2011;

“the appointed day” means 31st January 2012.

Appointed day

2.—(1) Subject to paragraph (2), the provisions of the 2011 Act specified in column 1 of the Schedule to this Order (the subject matter of which is specified in the corresponding entry in column 2 of the Schedule) will come into force on the appointed day.

(2) Where a purpose is specified in column 3 of the Schedule, the corresponding provision specified in column 1 comes into force on the appointed day only for that purpose.

Transitional provision

3. Notwithstanding the commencement of sections 13(2) and 13(4) of the 2011 Act, sections 129A and 131A of the Housing (Scotland) Act 2006^(a) have no effect as regards any application for an HMO licence under section 129 of that Act received by a local authority before 31st January 2012.

St Andrew's House,
Edinburgh
10th January 2012

KEITH BROWN
Authorised to sign by the Scottish Ministers

(a) 2006 asp 1; sections 129A and 131A of the Housing (Scotland) Act 2006 are inserted by section 13(2) and (4) of the 2011 Act.

SCHEDULE

Article 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provision of the 2011 Act</i>	<i>Subject matter</i>	<i>Purpose</i>
Section 13(2), 13(4) and 13(5)	Amendment of the licensing regime for houses in multiple occupation.	
Section 17	Overcrowding in private rented housing: statutory notice.	Only for the purpose of enabling the Scottish Ministers to make orders.
Section 19	Information and advice for occupiers on overcrowding statutory notices.	Only for the purpose of enabling the Scottish Ministers to make orders.
Section 29	Guidance in connection with Part 3 (overcrowding statutory notices) of the 2011 Act.	Only for the purpose of requiring the Scottish Ministers to consult before issuing any such guidance.
Section 32(2)	Premiums: regulations.	Only for the purpose of enabling the Scottish Ministers to make regulations.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings certain provisions of the Private Rented Housing (Scotland) Act 2011 (“the 2011 Act”) into force on 31st January 2012.

Sections 13(2), 13(4) and 13(5) which amend various parts of the Houses in Multiple Occupation (HMO) licensing regime in Part 5 of the Housing (Scotland) Act 2006 are brought into force for all purposes.

Sections 17, 19 and 32(2) are brought into force for the purposes of making subordinate legislation only. Section 29 is brought into force for the purposes of requiring consultation before issuing guidance only.

Article 3 ensures that the new procedure for preliminary refusal of HMO licence applications for breach of planning control does not apply to applications received by a local authority prior to 31st January 2012.

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

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision of the 2011 Act</i>	<i>Date of commencement</i>	<i>Instrument number</i>
Section 2	31st August 2011	S.S.I. 2011/270.
Section 4(a) (partially)	31st August 2011	S.S.I. 2011/270.
Sections 4(b), 7, 10, 13(1), 13(3), 13(6), 14, 15 and 16	31st August 2011	S.S.I. 2011/270.
Section 33 (partially)	31st August 2011	S.S.I. 2011/270.
Sections 34, 36 and 37	31st August 2011	S.S.I. 2011/270.

© Crown Copyright 2012

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen’s Printer for Scotland.

£4.00

S5366 01/2012 325366T 19585

