

POLICY NOTE

THE PRIVATE RESIDENTIAL TENANCIES (INFORMATION FOR TENANTS) (SCOTLAND) REGULATIONS 2017

SSI 2017/407

The above instrument was made in exercise of the powers conferred by sections 11(1) and (2) and 12 of the Private Housing (Tenancies) (Scotland) Act 2016 (the Act) and all other powers enabling them to do so. The instrument is subject to affirmative procedure.

Policy Objectives

The Act will introduce a new type of tenancy for all future lets in the private rented sector. The purpose of the new private residential tenancy is to improve security, stability and predictability for tenants and provide appropriate safeguards for landlords, lenders and investors.

Section 10 of the Act requires a landlord to provide their tenant with a written copy of the terms of that person's tenancy agreement before the end of the day on which the tenancy commences or within 28 days of the tenancy becoming a private residential tenancy. These Regulations provide how a duty under section 10 is to be performed.

Section 11 of the Act enables the Scottish Ministers to make regulations to specify information that landlords must provide to their tenants, the timescales within which they must do so and the form of the information. This instrument specifies that additional information, the timescales within which it must be provided and the form it must take. The additional information is either the:

- 'Easy Read Notes for the Scottish Government Model Private Residential Tenancy Agreement' or
- 'Private Residential Tenancy Statutory Terms Supporting Notes'.

Both sets of notes are set out in plain language. The 'Easy Read Notes for the Scottish Government Model Private Residential Tenancy Agreement' set out the terms of the tenancy and are to be used where a landlord uses the Scottish Government Model Private Residential Tenancy Agreement. The 'Private Residential Tenancy Statutory Terms Supporting Notes' set out the statutory terms of a Private Residential Tenancy and are to be used when another form of tenancy agreement is used.

A landlord must provide the appropriate form of notes to the tenant promptly. If the tenancy is a private residential tenancy on the day the tenancy commences then the appropriate set of notes must be provided on that day. If the tenancy became a private residential tenancy after the day on which the tenancy commenced then notes must be provided within 28 days.

The notes may be provided in a paper document or in an electronic document, where the landlord and tenant have explicitly agreed to correspond in this way.

Consultation

The Scottish Government publically consulted on the '*Proposals for regulations and policy supporting the Private Housing (Tenancies) (Scotland) Act 2016*'. A total of 70 responses were received to that consultation. A number of stakeholders raised concerns, that if a landlord chooses not to use the Scottish Government's recommended model tenancy agreement, a tenant may not be made fully aware of their rights and responsibilities under this Act and other relevant housing legislation. These Regulations will address these concerns by ensuring that all tenants in the private rented sector will have clear and easy to understand information on their responsibilities and rights and how to exercise those.

Impact Assessments

An Equality Impact Assessment and a Children's Rights and Welfare Impact Assessment were undertaken in relation to the provisions in Private Housing (Tenancies) (Scotland) Bill prior to its introduction to the Scottish Parliament. The findings were:

Equality Impact Assessment

The Scottish Government found that none of the proposals are discriminatory and that there are no significant issues that we consider would impact negatively upon the various groups.

Children's Rights and Welfare Impact Assessment

The Scottish Government has found that none of the proposals impinge upon articles on the UNCRC or the indicators of wellbeing (SHANARRI) and that there are no issues that will impact negatively upon children and young people in the PRS.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) was undertaken in relation to the provisions in Private Housing (Tenancies) (Scotland) Bill prior to its introduction to the Scottish Parliament.

The Scottish Government does not consider that these Regulations will impose additional costs on landlords or tenants.

Scottish Government
Directorate for Housing and Social Justice

September 2017