



Private Rented Housing (Scotland) Act 2011 2011 asp 14

PART 4

MISCELLANEOUS

33 Tenant information packs

After section 30 of the 1988 Act insert—

“30A Duty of landlord to provide certain information

- (1) A person who is to be the landlord under an assured tenancy (of whatever duration) must provide the person who is to be the tenant of that tenancy with the documents specified by virtue of section 30B(1) (“the standard tenancy documents”).
- (2) The standard tenancy documents must be provided no later than the date on which the assured tenancy commences.
- (3) Where there are to be joint landlords under the tenancy, the duty under subsection (1) may be satisfied by any one of them.
- (4) A person under the duty mentioned in subsection (1) who (without reasonable excuse) does not comply with that duty is guilty of an offence.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) Where an offence under subsection (4) committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or similar officer of the body, or a person purporting to act in any such capacity, that person, as well as the body corporate, is guilty of an offence and liable to be proceeded against and punished accordingly.

30B Duty of landlord to provide certain information: further provision

- (1) The Scottish Ministers may by order—
- (a) specify the documents to be provided under section 30A(1) which may, in particular, include—
 - (i) documents containing information about the tenancy;
 - (ii) documents containing information about the house;
 - (iii) documents containing information about the person who is to be the landlord;
 - (iv) documents containing information about the rights and responsibilities of tenants and landlords;
 - (v) copies of documents which the person who is to be the landlord is under a duty to provide by virtue of this Act (other than section 30A(1)) or any other enactment;
 - (b) make such further provision about the documents as they think fit, including, in particular, provision about the form of, and the information to be included in (or excluded from), any of the documents;
 - (c) make provision so that the giving of a document (or copy of a document) specified under subsection (1)(a)(v), either in pursuance of the duty under section 30A(1) or by virtue of another provision of this Act or any other enactment, has the effect of satisfying all or any such obligations;
 - (d) make provision about whether the documents may be provided separately or whether they must all be provided at the same time.
- (2) Before making an order under subsection (1), the Scottish Ministers must consult—
- (a) such persons and bodies as they consider representative of the interests of—
 - (i) tenants;
 - (ii) private sector landlords;
 - (iii) persons who act as agents for such landlords,as they consider appropriate; and
 - (b) such other persons or bodies as the Scottish Ministers consider appropriate (which may include tenants, private sector landlords and persons who act as agents for such landlords).”.