

These notes relate to the Private Housing (Tenancies) (Scotland) Act 2016 (asp 19) which received Royal Assent on 22 April 2016

PRIVATE HOUSING (TENANCIES) (SCOTLAND) ACT 2016

EXPLANATORY NOTES

STRUCTURE AND SUMMARY OF THE ACT

Part 1 – Private Residential Tenancy

Interpretation of [section 1](#)

9. [Section 2](#) makes provision about the interpretation of section 1. The result of it is that:
- a property is to be regarded as having been let to an individual (therefore meeting that aspect of the test in section 1(1)(a)) even where it has been let jointly to an individual (or more than one individual) and a non-human, legal person (e.g. a company),
 - the lease of a property with other land will be regarded as the lease of a separate dwelling (therefore meeting that aspect of the test in section 1(1)(a)) provided that the main purpose of the lease is to provide the tenant with a home,
 - where a let property lacks the core facilities required for it to be regarded as a separate dwelling but those facilities form part of the associated shared accommodation (e.g. where an individual has a tenancy of only a bedroom in a flat, but has a right to use a shared bathroom and kitchen), the let property is to be treated as being a separate dwelling nonetheless, meaning that that aspect of the test in section 1(1)(a) is met,
 - if a property is let jointly to more than one person, only one of those persons needs to occupy the property as his or her only or principal home in order for the test in section 1(1)(b) to be met.