

*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**

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## **EXPLANATORY NOTES**

### **STRUCTURE AND SUMMARY OF THE ACT**

#### **Part 7 – Miscellaneous Provisions**

103. **Section 71** provides the Tribunal with the jurisdiction to deal with all civil disputes arising from a private residential tenancy. It gives the Tribunal the same jurisdiction that a sheriff would ordinarily have to deal with these civil cases, and it does so to the exclusion of the sheriff's jurisdiction. This section ensures that any remaining civil disputes which are not specifically mentioned in the Act but which might arise during the course of a tenancy - such as an action for payment of rent arrears - can be dealt with by the Tribunal. Criminal cases will continue to be dealt with by the criminal courts as usual.
104. **Section 72** sets out that where it comes to the attention of the Tribunal, as a result of proceedings before it, that a landlord is not registered under Part 8 of the Anti-social Behaviour etc. (Scotland) Act 2004 as a fit and proper person with the relevant local authority, the Tribunal will be under a duty to inform the authority. The Tribunal must tell the authority the landlord's name and address and the address of the property for which he or she is the landlord.
105. **Section 73** provides that any errors in specified documents do not invalidate the document if they are sufficiently minor that they do not materially alter the effect of the document. Of necessity, there are a number of documents which the Act requires the use of at certain times. This section ensures that a common sense approach can be taken to meeting these requirements, and a party is not penalised for an obviously minor error. The protection applies equally to landlords and tenants.