



# Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

## PART 3

### TENANCY INFORMATION

#### *Landlord's duties to provide information*

#### **10 Duty to provide written terms of tenancy**

- (1) Where the terms of a private residential tenancy are not set out in writing between the parties, the landlord must, before the end of the day specified in subsection (2) or (as the case may be) (3), provide the tenant with a document which sets out all of the terms of the tenancy.
- (2) The day referred to in subsection (1) is—
  - (a) the day on which the tenancy commences, if the tenancy is a private residential tenancy on that day, or
  - (b) the day falling 28 days after the day on which the tenancy became a private residential tenancy, if it became one after the day on which the tenancy commenced.
- (3) If, as a result of a subsequent change to its terms, all of the terms of a private residential tenancy are no longer set out in writing—
  - (a) subsection (2) does not apply, and
  - (b) the day referred to in subsection (1) is the day falling 28 days after the change to the tenancy's terms takes effect.

#### **11 Duty to provide specified information**

- (1) The Scottish Ministers may by regulations impose a duty on any person who is, or is to be, the landlord under a private residential tenancy to provide the person who is, or is to be, the tenant—
  - (a) with information specified in the regulations,

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*Status: This is the original version (as it was originally enacted).*

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- (b) by a deadline specified in the regulations.
- (2) The power to specify information under subsection (1)(a) includes the power to specify the form in which the information is to be provided.
- (3) Before making regulations under subsection (1), the Scottish Ministers must consult such persons representing the interests of tenants and landlords under private residential tenancies as they think fit.
- (4) But subsection (3) does not apply in any case in which consultation has been carried out by the Scottish Ministers more generally, without specific reference to such tenants and landlords.

## **12 Regulations about providing information**

The Scottish Ministers may by regulations make provision about how a duty arising by virtue of section 10 or 11 is to be performed (including when the duty is to be deemed to have been performed).

## **13 Prohibition on charging for information**

The person who is, or is to be, the tenant under a private residential tenancy may not be charged for being provided by the landlord with—

- (a) a document which sets out the terms, or any term, of the tenancy, or
- (b) information in performance of a duty arising by virtue of section 11.