

SCHEDULE 5  
TRANSITION FROM REGIMES UNDER EARLIER ENACTMENTS

PART 2

CONVERSION OF TENANCIES UNDER PREVIOUS REGIMES

*Change of tenancy status by agreement*

- 3 (1) The Housing (Scotland) Act 1988 is amended as follows.
- (2) After section 12(2) there is inserted—
- “(3) Subsection (1) is subject to section 46A.”.
- (3) After section 46 there is inserted—

*“Phasing out of assured tenancies*

**46A Change to private residential tenancy by agreement**

- (1) The landlord and the tenant under an assured tenancy may agree that on a day specified by them, the tenancy will cease to be an assured tenancy.
- (2) On the day specified by the landlord and the tenant under subsection (1), the tenancy—
- (a) ceases to be an assured tenancy, and
  - (b) becomes a private residential tenancy as defined in the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”).
- (3) But an agreement under subsection (1) is of no effect if, for a reason other than the tenancy being an assured tenancy, it is one which schedule 1 of the 2016 Act states cannot be a private residential tenancy.”.

**Commencement Information**

**II** Sch. 5 para. 3 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, **sch.** (with reg. 6)

**Changes to legislation:**

There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Paragraph 3.