

*Changes to legislation:* There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Cross Heading: Change of tenancy status on succession. (See end of Document for details)

## SCHEDULE 5 TRANSITION FROM REGIMES UNDER EARLIER ENACTMENTS

### PART 2

#### CONVERSION OF TENANCIES UNDER PREVIOUS REGIMES

##### *Change of tenancy status on succession*

4 After section 3A of the Rent (Scotland) Act 1984 there is inserted—

#### **“3B Succession after the Private Housing (Tenancies) (Scotland) Act 2016 comes into force**

- (1) Subsection (2) applies where—
  - (a) the sole tenant of a dwelling-house under a protected tenancy or a statutory tenancy dies on or after the day that section 1 of the Private Housing (Tenancies) (Scotland) Act 2016 comes into force, and
  - (b) as a result of that death, an individual becomes the tenant of the dwelling-house by virtue of section 3(1)(b) or 3A above.
- (2) As soon as the individual becomes the tenant, the individual's tenancy of the dwelling-house—
  - (a) ceases to be a statutory tenancy or a statutory assured tenancy (as the case may be), and
  - (b) becomes a private residential tenancy as defined in the Private Housing (Tenancies) (Scotland) Act 2016.”.

#### **Commencement Information**

**II** Sch. 5 para. 4 in force at 1.12.2017 by [S.S.I. 2017/346](#), reg. 2, sch.

5 After section 31 of the Housing (Scotland) Act 1988 there is inserted—

#### **“31A Succession after the Private Housing (Tenancies) (Scotland) Act 2016 comes into force**

- (1) Subsection (2) applies where—
  - (a) a sole tenant under an assured tenancy dies on or after the day that section 1 of the Private Housing (Tenancies) (Scotland) Act 2016 comes into force, and
  - (b) an individual succeeds to the tenancy.
- (2) As soon as the individual becomes the tenant, the tenancy—
  - (a) ceases to be an assured tenancy (if, but for this section, it would have been one), and
  - (b) becomes a private residential tenancy as defined in the Private Housing (Tenancies) (Scotland) Act 2016.”.

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**Commencement Information**

**I2** Sch. 5 para. 5 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, sch.

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