



# Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

## PART 5 S

### TERMINATION

## CHAPTER 1 S

### SECURITY OF TENURE

#### 46 Protection for sub-tenants S

- (1) Subsection (2) applies (subject to section 47) where—
  - (a) a lawfully granted sub-tenancy is terminated by the termination of the tenancy of the person who was the landlord under the sub-tenancy, and
  - (b) immediately before it terminated, the sub-tenancy was a private residential tenancy.
- (2) On the termination of the sub-tenancy, the person who was the tenant under the sub-tenancy becomes the tenant under a new tenancy which—
  - (a) has the same terms as the sub-tenancy had immediately before it was terminated, and
  - (b) is deemed to have been granted at the time that the sub-tenancy terminated by whoever was entitled to grant a tenancy in those terms at that time.
- (3) A sub-tenancy is not lawfully granted for the purpose of subsection (1) if—
  - (a) sub-letting the let property is precluded by a term of—
    - (i) the tenancy of the person who granted the sub-tenancy (“the mid-landlord”), or
    - (ii) the tenancy of a tenant from whom the mid-landlord's tenancy is held (directly or indirectly), and
  - (b) the person entitled to enforce the term mentioned in paragraph (a) has not expressly or impliedly consented to the sub-tenancy being granted or continuing.

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**Changes to legislation:** *There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 46. (See end of Document for details)*

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**Commencement Information**

**II** S. 46 in force at 1.12.2017 by [S.S.I. 2017/346](#), reg. 2, [sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 46.