



Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

PART 5

TERMINATION

CHAPTER 1

SECURITY OF TENURE

46 Protection for sub-tenants

- (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.