

SCHEDULE 1 PROTECTION OF THE INDIVIDUAL

PART 1

STUDENT RESIDENTIAL TENANCY: TERMINATION BY TENANT

Interpretation of this Part

- 1 (1) In this Part—
- “the 2016 Act” means the Private Housing (Tenancies) (Scotland) Act 2016,
 - “student” has the same meaning as in paragraph 5 of schedule 1 of the 2016 Act,
 - “student residential tenancy” means a tenancy—
 - (a) the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and
 - (b) to which sub-paragraph (2) or (3) of paragraph 5 of schedule 1 (tenancies which cannot be private residential tenancies) of the 2016 Act applies,
 - “tenancy” includes sub-tenancy,
 - “tenant” includes sub-tenant.
- (2) In a case where two or more persons jointly are the landlord under a tenancy, references in this Part to the landlord are to any of those persons.
- (3) In a case where two or more persons jointly are the tenant under a tenancy, references in this Part to the tenant are to all of those persons (except in paragraph 3(3)).

Tenant’s ability to bring tenancy to an end

- 2 (1) A tenant may, for a reason relating to coronavirus, bring to an end a student residential tenancy by giving to the landlord a notice which fulfils the requirements described in paragraph 3.
- (2) A tenancy comes to an end in accordance with sub-paragraph (1) on the day on which the notice states (in whatever terms) that it is to come to an end.

Requirements for notice to be given by tenant

- 3 (1) A notice fulfils the requirements referred to in paragraph 2(1) if—
- (a) it is in writing, and
 - (b) it states, as the day on which the tenancy is to end, a day that is after the last day of the minimum notice period.
- (2) In sub-paragraph (1)(b), “the minimum notice period” means a period which—
- (a) begins on the day the notice is received by the landlord, and
 - (b) ends on the day falling—
 - (i) in a case where sub-paragraph (3) applies, 7 days after the period begins, or
 - (ii) in any other case, 28 days after the period begins.
- (3) This sub-paragraph applies where—

Status: This is the original version (as it was originally enacted).

- (a) the tenancy was entered into before the coming into force of this paragraph,
and
 - (b) the let property was occupied by the tenant under the tenancy at any time
before the coming into force of this paragraph.
- (4) In a case where two or more persons jointly are the tenant under the tenancy, the
reference in sub-paragraph (3) to the tenant is to any of those persons.