

Draft Regulations laid before the Scottish Parliament under section 77(3) of the Private Housing (Tenancies) (Scotland) Act 2016, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2017 No.

HOUSING

**The Private Residential Tenancies (Information
for Tenants) (Scotland) Regulations 2017**

Made - - - - 2017
Coming into force - - 1st December 2017

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 11(1) and (2) and 12 of the Private Housing (Tenancies) (Scotland) Act 2016⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 11(3) of that Act, the Scottish Ministers have consulted such persons representing the interests of tenants and landlords under private residential tenancies as they think fit.

In accordance with section 77(3) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Private Residential Tenancies (Information for Tenants) (Scotland) Regulations 2017 and come into force on 1st December 2017.

(2) In these Regulations—

“the Act” means the Private Housing (Tenancies) (Scotland) Act 2016; and

“electronic document” means a document created and stored in an electronic form.

Performing the duty to provide written terms of tenancy

2.—(1) Where a duty arises by virtue of section 10(1) of the Act (duty to provide written terms of tenancy) the landlord must provide the tenant with—

(a) a paper document; or

(b) an electronic document.

(2) A document under paragraph (1) may be in the form of—

(1) 2016 asp 19.

- (a) the Model Private Residential Tenancy Agreement for a private residential tenancy(2); or
- (b) a tenancy agreement drafted by the landlord.

Duty to provide specified information

3.—(1) For the purposes of section 11(1)(a) of the Act (duty to provide specified information), the person who is, or is to be, the landlord under a private residential tenancy must provide the person who is, or is to be, the tenant with—

- (a) where the written terms of the tenancy are in the form of the Model Private Residential Tenancy Agreement(3), the Easy Read Notes for the Scottish Government Model Private Residential Tenancy Agreement(4); or
- (b) where the written terms of the tenancy are in the form of a tenancy agreement drafted by the landlord, the Private Residential Tenancy Statutory Terms Supporting Notes(5).

(2) For the purposes of section 11(1)(b) of the Act, the deadline by which the person who is, or is to be, the landlord under a private residential tenancy must provide the person who is, or is to be, the tenant with the information specified in paragraph (1) is—

- (a) before the end of the day on which the tenancy commences, if the tenancy is a private residential tenancy; or
- (b) before the end of the day falling 28 days after the day on which the tenancy became a private residential tenancy, if it became one after the day on which the tenancy commenced.

(3) Where a duty arises by virtue of section 11(1) of the Act, the information provided under paragraph (1) by the landlord to the tenant must be in the form of—

- (a) a paper document; or
- (b) an electronic document.

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

(2) The Model Private Residential Tenancy Agreement was published on 23rd October 2017 on the Scottish Government website www.gov.scot/isbn/9781788512145 .

(3) The Scottish Government Model Private Residential Tenancy Agreement was published on 23rd October 2017 on the Scottish Government website www.gov.scot/isbn/9781788512145

(4) The Easy Read Notes for the Scottish Government Model Private Residential Tenancy Agreement were published on 23rd October 2017 on the Scottish Government website www.gov.scot/isbn/9781788512138 .

(5) The Private Residential Tenancy Statutory Terms Supporting Notes were published on 23rd October 2017 on the Scottish Government website www.gov.scot/isbn/9781788512152 .

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to the information to be given by a landlord to a tenant in respect of a private residential tenancy under the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”).

Section 10(1) of the Act requires the landlord under a private residential tenancy to provide the tenant with a document which sets out all the written terms of the tenancy. Regulation 2 sets out how a landlord must perform the duty to provide the tenant with written terms of the tenancy.

Regulation 3 specifies the information which the landlord must provide the tenant for the purposes of section 11(1) of the Act. Regulation 3 also sets out the deadline for doing so and the form in which the specified information is to be provided.

A Business and Regulatory Impact Assessment (“BRIA”) was undertaken in relation to the Private Housing (Tenancies) (Scotland) Bill prior to its introduction to the Scottish Parliament. The Scottish Government does not consider that these Regulations impose additional costs on landlords or tenants so no further BRIA has been prepared.