

SCHEDULE 1

Article 2

Excluded accommodation

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1. Excluded accommodation means accommodation which is, or is part of—
 - (a) a hotel,
 - (b) an aparthotel,
 - (c) a boarding house,
 - (d) a guest house,
 - (e) a premises which holds a premises licence under the Licensing (Scotland) Act 2005⁽¹⁾ where accommodation is an approved activity (as defined in the 2005 Act),
 - (f) a hostel,
 - (g) residential accommodation where care is provided to people in need of care,
 - (h) a hospital or nursing home,
 - (i) a residential school, college or training centre,
 - (j) secure residential accommodation (including a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks),
 - (k) a refuge,
 - (l) student accommodation,
 - (m) accommodation which otherwise requires a licence for use for hire for overnight stays,
 - (n) accommodation which is provided by the guest,
 - (o) accommodation which is not static,
 - (p) accommodation owned by an employer and provided to an employee in terms of a contract of employment or for the better performance of the employee's duties.

Interpretation

- 2.—(1) In this schedule—

“aparthotel” means a residential building containing serviced apartments where—

 - (a) the whole building is owned by the same person,
 - (b) a minimum number of 5 serviced apartments are managed and operated as a single business,
 - (c) the building has a shared entrance for the serviced apartments, and
 - (d) the serviced apartments do not share an entrance with any other flat or unit within the building,

“hostel” means a building in which is provided for persons generally or for any class or classes of persons—

 - (a) residential accommodation (otherwise than in houses), and
 - (b) either or both—
 - (i) board,

(1) 2005 asp 16.

- (ii) common facilities for the preparation of adequate food for the needs of those persons,

“serviced apartment” means a flat or residential unit in respect of which—

- (a) services are provided to guests (such as housekeeping, a telephone desk, reception, or laundry), and
- (b) there is a management regime in place to prevent anti-social behaviour and to impose limits in respect of the maximum occupancy of the flats or units,

“static” means not capable, without modification, of transporting guests to another location,

“student accommodation” means residential accommodation which has been built or converted solely for the purpose of being provided to students.

(2) In paragraph 1(m), “licence” does not include an HMO licence granted under section 129 of the Housing (Scotland) Act 2006(2).

(2) 2006 asp 1.