
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force certain provisions of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”).

Regulation 2(1) and the schedule bring into force, on 1st December 2017, sections 1 to 6, 9 and 10, 13 to 16, 18 to 21, 23, 25 to 33, 34(1), 35 to 42, 44 to 60 and 63 to 75. Sections 7, 17, 22, 24, 43, 61 and 62 are commenced insofar as not already in force. Schedules 1, 3 and 5 are commenced. Schedule 4 is commenced under exception of paragraph 5. Paragraph 5 is not being commenced as it is a consequential amendment to section 130B of the Social Security Contributions and Benefits Act 1992 (which ceased to have effect on 1st April 2013) which is not required.

Regulations 3 and 4 amend section 3B(1)(a) of the Rent (Scotland) Act 1984 and sections 12(1A) and 31A(1)(a) of the Housing (Scotland) Act 1988 respectively, so that instead of referring to the day on which section 1 of the 2016 Act comes into force, those provisions specify 1st December 2017 (which is the day on which that section comes into force by virtue of these Regulations). In addition, regulation 5 repeals section 8(5) of the 2016 Act. Section 8(5) is a transitional provision relating to consultation during the period prior to section 1 coming into force.

Regulation 6 is a saving provision in relation to short assured tenancies which have been entered into prior to 1st December 2017 and, in certain circumstances, entered into on or after 1st December 2017.

Regulation 7 revokes the Private Housing (Tenancies) (Scotland) Act 2016 (Commencement No. 2 and Saving Provision) Regulations 2017, which would have commenced the provisions of the 2016 Act being commenced by these Regulations on the same basis as these Regulations but which did not include provision made by regulations 3, 4 and 5. The Bill for the 2016 Act received Royal Assent on 22nd April 2016. Section 79(1) of the 2016 Act brought into force sections 76 to 80 on the following day.