
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force various provisions of the Housing (Scotland) Act 2014 (“the Act”). Section 99 comes into force on 30th July 2018. Sections 3, 4 (insofar as not already in force), 5, 6 (insofar as not already in force), 7 (insofar as not already in force), 8 to 11, 14 (insofar as not already in force) and 15 come into force on 1st May 2019. Sections 12 and 13 come into force on 1st November 2019.

Article 3 makes a saving provision in relation to a short Scottish secure tenancy where a notice under section 34(4) of the 2001 Act was served prior to 1st May 2019.

Article 4 makes a saving provision so that the changes made by section 11(a) and (b) of the Act do not apply where a landlord has served a notice served under section 36(2) of the 2001 Act prior to 1st May 2019.

Article 5 makes a savings provision so that where a notice has been served under section 14(2)(a) of the 2001 Act prior to 1st May 2019—

- the amendments made by section 11(e) and (f), which specify the date which must be inserted in a notice in relation to the recovery of possession of a house which is subject to a short Scottish secure tenancy, do not apply;
- the powers available to the court to make an order for recovery of possession are those that existed prior to the commencement of section 14(2)(a) of the Act; and
- the grounds for possession in paragraphs 11 and 12 of schedule 2 of the 2001 Act as they existed prior to the commencement of section 15 for the purpose of any proceedings for possession based on such a notice.

Articles 6, 7 and 8 contain transitional provisions which ensure that a notification given by the specified person or by the tenant prior to 1st November 2019 will be considered to be a notification for the purposes of the relevant sections in the 2001 Act.

Article 9 ensures that social landlords will inform their tenants of the changes that will be made to their tenancy agreements due to the commencement of Part 2 of the Act.

The Bill for the Act received Royal Assent on 1st August 2014. Sections 100, 101, 102, 104 and 105 of the Act came into force on that day by virtue of section 104(1) of the Act.