

SCOTTISH STATUTORY INSTRUMENTS

**2021 No. 154**

**The Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021**

**Short-term let**

2.—(1) For the purposes of section 26B of the Act, and subject to section 26B(3) of the Act, a short-term let is provided where all of the following criteria are met—

- (a) sleeping accommodation is provided [<sup>F1</sup>in the course of business] to one or more persons for one or more nights for commercial consideration,
- (b) no person to whom sleeping accommodation is provided is an immediate family member of the person by whom the accommodation is being provided,
- [<sup>F2</sup>(ba) the accommodation is not provided under an excluded tenancy,]
- (c) the accommodation is not provided for the principal purpose of facilitating the provision of work or services to the person by whom the accommodation is being provided or to another member of that person's household,
- (d) the accommodation is not provided by an employer to an employee in terms of a contract of employment or for the better performance of the employee's duties, and
- (e) the accommodation is not excluded accommodation.

(2) For the purposes of this regulation, a person ("A") is an immediate family member of another person ("B") if A is—

- (a) in a qualifying relationship with B,
- (b) a qualifying relative of B,
- (c) a qualifying relative of a person who is in a qualifying relationship with B, or
- (d) in a qualifying relationship with a qualifying relative of B.

(3) For the purposes of paragraph (2)—

- (a) two people are in a qualifying relationship with one another if they are—
  - (i) married to each other,
  - (ii) in a civil partnership with each other, or
  - (iii) living together as though they were married,
- (b) "a qualifying relative" means a parent, grandparent, child, grandchild or sibling,
- (c) two people are to be regarded as siblings if they have at least one parent in common,
- (d) a person's stepchild is to be regarded as the person's child,
- (e) a person ("C") is to be regarded as the child of another person ("D"), if C is being or has been treated by D as D's child.

**F1** Words in [reg. 2\(1\)\(a\)](#) inserted (1.3.2022) by [The Town and Country Planning \(Short-term Let Control Areas\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/33\)](#), regs. 1, **2(3)(a)**

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**Changes to legislation:** *There are currently no known outstanding effects for the The Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021, Section 2. (See end of Document for details)*

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**F2** Reg. 2(1)(ba) inserted (1.3.2022) by The Town and Country Planning (Short-term Let Control Areas) (Scotland) Amendment Regulations 2022 (S.S.I. 2022/33), regs. 1, **2(3)(b)**

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**Commencement Information**

**I1** Reg. 2 in force at 1.4.2021, see **reg. 1(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021, Section 2.