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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 33**

**The Town and Country Planning (Short-term Let Control Areas) (Scotland) Amendment Regulations 2022**

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

2.—(1) The Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021<sup>(1)</sup> are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation)—

(a) before the definition of “the Act” insert—

““the 1993 Act” means the Crofters (Scotland) Act 1993<sup>(2)</sup>,

“the 2003 Act” means the Agricultural Holdings (Scotland) Act 2003<sup>(3)</sup>,

“the 2016 Act” means the Private Housing (Tenancies) (Scotland) Act 2016<sup>(4)</sup>,”

(b) after the definition of “excluded accommodation” insert—

““excluded tenancy” means a tenancy which is—

- (a) a 1991 Act tenancy (within the meaning of section 1(4) of the 2003 Act),
- (b) a modern limited duration tenancy (within the meaning of section 5A of the 2003 Act),
- (c) a short limited duration tenancy (within the meaning of section 4 of the 2003 Act),
- (d) a student residential tenancy,
- (e) a tenancy of a croft (within the meaning of section 3 the 1993 Act),
- (f) a tenancy of a holding situated outwith the crofting counties (within the meaning of section 61 of the 1993 Act) to which any provisions of the Small Landholders (Scotland) Acts 1886 to 1931 <sup>(5)</sup> applies,”

(c) after the definition of “section 26B designation” insert—

““student” has the same meaning as in paragraph 5 of schedule 1 (tenancies which cannot be private residential tenancies) of the 2016 Act,

“student residential tenancy” means a tenancy—

- (a) the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and
- (b) to which paragraph 5(2) of schedule 1 of the 2016 Act applies.”.

(3) In regulation (2) (short-term let)—

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(1) S.S.I. 2021/154.

(2) 1993 c. 44.

(3) 2003 asp 11.

(4) 2016 asp 19.

(5) See section 26 of the Small Landholders and Agriculture Holdings (Scotland) Act 1931<sup>1931 c. 44</sup>. Section 26(2) was substituted by Agricultural Holdings (Scotland) Act 1949 (c. 75), Schedule. 7.

- (a) in paragraph (1)(a) after “provided” insert “in the course of business”,
- (b) after paragraph (1)(b) insert—
  - “(ba) the accommodation is not provided under an excluded tenancy,”.
- (4) In the schedule (excluded accommodation)—
  - (a) in paragraph 1—
    - (i) omit sub-paragraphs (a), (b), (c), (d) and (k),
    - (ii) in paragraph (e) for “care is provided to people in need of care” substitute “personal care is provided to residents”,
    - (iii) after paragraph (k) insert—
      - “(l) premises in respect of which a premises licence within the meaning of section 17 of the Licensing (Scotland) Act 2005<sup>(6)</sup> has effect and where the provision of accommodation is an activity listed in the operating plan as defined in section 20(4) of that Act.”,
  - (b) in paragraph 2—
    - (i) omit the definitions of “aparthotel”, “hostel” and “serviced apartment”,
    - (ii) before the definition of “student accommodation” insert—
      - ““personal care” has the same meaning as in paragraph 20 of schedule 12 of the Public Services Reform (Scotland) Act 2010<sup>(7)</sup>,
      - “refuge” means premises used wholly or mainly for providing accommodation to persons who have been subject to any incident or pattern of incidents, of—
        - (a) controlling, coercive or threatening behaviour,
        - (b) physical violence,
        - (c) abuse of any other description (whether physical or mental in nature), or
        - (d) threats of any such violence or abuse,”
    - (iii) in the definition of “student accommodation” for “solely” substitute “predominantly”.

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<sup>(6)</sup> 2005 asp 16.

<sup>(7)</sup> 2010 asp 8.