These draft Regulations supersede the draft of the same title which were laid before the Scottish Parliament on 7 May 2019 and published on 8 May 2019. They are being issued free of charge to all known recipients of those Regulations.

Draft Regulations laid before the Scottish Parliament under section 77(3) of the Private Housing (Tenancies) (Scotland) Act 2016, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

HOUSING

The Private Housing (Tenancies) (Scotland) Act 2016 (Modification of Schedule 1) Regulations 2019

Made - - - -	*2019*
Coming into force - -	*1st July 2019*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 6(1) and 76(1) of the Private Housing (Tenancies) (Scotland) Act 2016(**a**) and all other powers enabling them to do so.

In accordance with section 6(2) of that Act, the Scottish Ministers have consulted such persons representing the interests of tenants and landlords under private residential tenancies as they think fit.

In accordance with section 77(3) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Private Housing (Tenancies) (Scotland) Act 2016 (Modification of Schedule 1) Regulations 2019 and come into force on 1 July 2019.

(2) In these Regulations, "the Act" means the Private Housing (Tenancies) (Scotland) Act 2016.

Modification of schedule 1 of the Private Housing (Tenancies) (Scotland) Act 2016

2.—(1) Schedule 1 of the Act (tenancies which cannot be private residential tenancies) is modified in accordance with paragraph (2).

(2) At the end of schedule 1 insert—

"*Accommodation for veterans and care leavers*

22.—(1) A tenancy cannot be a private residential tenancy if the landlord is—

(**a**) 2016 asp 19.

(a) a charity providing accommodation to veterans, or

(b) a charity providing temporary accommodation to a care leaver.

(2) For the purposes of this paragraph—

"care leaver" is a person who—

(a) is under the age of 26 years,

(b) was on that person's sixteenth birthday or at any subsequent time looked after by a local authority, and

(c) is no longer looked after by a local authority; and "looked after" is to be construed in accordance with sections 17(6) (duty of local authority to child looked after by them) and 29(7) (after-care) of the Children (Scotland) Act 1995(**a**),

"charity" has the meaning given in section 106 of the Charities and Trustee Investment (Scotland) Act 2005(**b**), and

"veteran" means a person who has served—

(a) for at least one day in Her Majesty's Armed Forces (regular and reserve), or

(b) as a member of the Merchant Navy on a civilian vessel while supporting the Armed Forces.".

Saving provision

3. The modification to schedule 1 of the Act made by regulation 2 has no effect in relation to any private residential tenancy granted before 1 July 2019.

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

(**a**) 1995 c.36. Section 17(6) was amended by paragraph 9(4)(b) of schedule 2 of the Adoption and Children (Scotland) Act 2007 asp 4, paragraph 2(4) of schedule 5 of the Children's Hearings (Scotland) Act 2011 asp 1 and paragraph 9(3) of schedule 1 of S.S.I. 2013/211. Section 29(7) was amended by section 73(1)(b) of the Regulation of Care (Scotland) Act 2001 asp 8.

(**b**) 2005 asp 10.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify schedule 1 of the Private Housing (Tenancies) (Scotland) Act 2016 ("2016 Act"). Schedule 1 lists a number of types of tenancy which cannot be a private residential tenancy, with the effect that the 2016 Act does not apply to those tenancies.

Regulation 2 adds accommodation provided to veterans and care leavers to schedule 1 and regulation 3 makes a saving provision for any private residential tenancies created prior to the coming into force date of these Regulations.

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