STATUTORY INSTRUMENTS

1980 No. 1666 (S.130)

LANDLORD AND TENANT

The Short Tenancies (Prescribed Information) (Scotland) Order 1980

Made - - - -	30*th October* 1980
Coming into Operation	1*st December* 1980

In exercise of the powers conferred upon me by section 34(4) of the Tenants' Rights, Etc. (Scotland) Act 1980(a), and of all other powers enabling me in that behalf, I hereby make the following order:—

Citation and commencement

1. This order may be cited as the Short Tenancies (Prescribed Information) (Scotland) Order 1980 and shall come into operation on 1st December 1980.

Prescription of notice

2. Where a landlord intends to grant a short tenancy within the meaning of section 34(1) of the Tenants' Rights, Etc. (Scotland) Act 1980 he shall, before the tenancy is created, serve on the person to whom the tenancy is to be granted a notice in writing in the form, or in a form substantially to the like effect, prescribed in the Schedule to this order.

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
30th October 1980.

(a) 1980 c. 52.

SCHEDULE

Specimen of the form of notice that a person proposing to accept a short tenancy must receive from the landlord before the tenancy is created.

To.....
(Name of proposed tenant)

IMPORTANT—PLEASE READ THIS NOTICE CAREFULLY. IF THERE IS ANYTHING YOU DO NOT UNDERSTAND YOU SHOULD GET ADVICE (FOR EXAMPLE, FROM A SOLICITOR OR A CITIZENS' ADVICE BUREAU) BEFORE YOU AGREE TO TAKE A SHORT TENANCY.

NB. This document is important; keep it in a safe place.

1. You are proposing to take a tenancy of the dwelling-house at

.....

from.....19.... to.....19.....
(day) (month) (year) (day) (month) (year)

2. Before you take the tenancy I am required by law to tell you that your tenancy is to be a *protected short tenancy*. Under a short tenancy provided you adhere to the conditions of the tenancy, you are entitled to remain in the dwelling-house for the period specified in paragraph 1. At the end of this period, however, unlike normal Rent Act tenancies, the landlord has an absolute right to repossession if he wants. Full details about short tenancies are given in the Scottish Development Department booklet "Short Tenancies" obtainable free from rent officers, council offices, housing aid centres and citizens' advice bureaux. You are strongly advised to read this booklet before you agree to take a short tenancy.

*3. A fair rent of per is already registered for the dwelling-house under the Rent (Scotland) Act 1971.

This is the most you can be required to pay as rent until such time as a higher rent is registered. If I apply for a higher rent to be registered you will be told about my application and you will have the opportunity of a consultation with the rent officer if you disagree with the rent I propose. Unless there has been a change of circumstances I cannot apply until three years after the effective date of the existing registration.

*The landlord must delete whichever does not apply.

*3. A fair rent has not yet been registered for the dwelling under the Rent (Scotland) Act 1971. However, a certificate of fair rent under the Rent (Scotland) Act 1971 has been issued in respect of the dwelling-house. The rent specified in the Certificate is per and I am required by law to apply for this rent to be registered within 14 days of the start of the tenancy.

This is the most you can be required to pay as rent until such time as a higher rent is registered. If I apply for a higher rent to be registered you will be told about my application and you will have the opportunity of a consultation with the rent officer if you disagree with the amount I propose. Unless there has been a change of circumstances I cannot apply until three years after the effective date of the existing registration.

4. This notice (which does not commit you to taking the tenancy) is given to you on..... 19.....

Signed.....

(on behalf of).....

.....

.....
(Name and address of landlord)

SPECIAL NOTE FOR EXISTING TENANTS.
IF YOU ARE ALREADY A PROTECTED OR STATUTORY TENANT UNDER THE RENT (SCOTLAND) ACT 1971 YOUR PRESENT TENANCY CANNOT BY LAW BE CONVERTED INTO A SHORT TENANCY BUT IF YOU GIVE IT UP AND TAKE A SHORT TENANCY IN SOME OTHER ACCOMMODATION YOU WILL ALMOST CERTAINLY HAVE LESS SECURITY THAN UNDER YOUR EXISTING TENANCY WHEN THE SHORT TENANCY COMES TO AN END.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Section 34(4) of the Tenants' Rights, Etc. (Scotland) Act 1980 provides that the Secretary of State may prescribe by order the form of the notice that the landlord must, before the tenancy is created, serve on a person intending to take a short tenancy. The Schedule to this order prescribes the form that such a notice must take.

SI 1980/1666
ISBN 0-11-007666-4

