

Private Housing (Tenancies) (Scotland) Bill

Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Section 1	Schedule 1
Sections 2 to 6	Schedule 2
Sections 7 to 41	Schedule 3
Sections 42 to 57	Schedule 4
Section 58	Schedule 5
Sections 59 to 63	Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Schedule 1

Margaret Burgess

- 1 In schedule 1, page 27, line 4, leave out from <pursuing> to end of line 6 and insert <a student, and
() sub-paragraph (2) or (3) applies to the tenancy.
(2) This sub-paragraph applies to a tenancy if the landlord is—>

Margaret Burgess

- 2 In schedule 1, page 27, line 7, leave out first <any> and insert <a>

Margaret Burgess

- 3 In schedule 1, page 27, line 7, leave out <and any> and insert <or>

Margaret Burgess

- 4 In schedule 1, page 27, line 8, leave out <any> and insert <a>

Margaret Burgess

- 5 In schedule 1, page 27, line 10, leave out <any> and insert <a>

Margaret Burgess

- 6 In schedule 1, page 27, line 12, leave out <any> and insert <an>

Margaret Burgess

- 7 In schedule 1, page 27, line 14, leave out <any> and insert <a>

Margaret Burgess

- 8 In schedule 1, page 27, line 16, leave out <any> and insert <an>

Margaret Burgess

- 9 In schedule 1, page 27, line 18, at end insert—

- <(3) This sub-paragraph applies to a tenancy if planning permission for the construction, conversion or change of use of the let property (or any building of which it forms part) was given on the basis that the let property would be used predominantly for housing students.
- (4) In this paragraph, “student” means a person who is pursuing a course of study provided by a body referred to in sub-paragraph (2).>

Margaret Burgess

- 10 In schedule 1, page 27, line 23, leave out <sub-paragraphs (2) and (3) apply> and insert <paragraph 7A or 7B applies>

Margaret Burgess

- 11 In schedule 1, page 27, line 24, at end insert—

<7A This paragraph applies to a tenancy if—

- (a) the let property would not be regarded as a separate dwelling were it not for the terms of the tenancy entitling the tenant to use property in common with another person (“shared accommodation”), and
- (b) from the time the tenancy was granted, the person (or one of the persons) in common with whom the tenant has a right to use the shared accommodation is a person who—
 - (i) has the interest of the landlord under the tenancy, and
 - (ii) has a right to use the shared accommodation in the course of occupying that person’s home.

7B(1) This paragraph applies to a tenancy if sub-paragraphs (2) and (3) apply to it.>

Margaret Burgess

- 12 In schedule 1, page 27, line 34, at end insert—

- <(4) For the purpose of this paragraph, in determining whether a dwelling is occupied as the only or principal home of the person having the interest of the landlord, no account is to be taken of—
 - (a) any period beginning with the date on which the interest of the landlord is transferred (other than on death) and ending—
 - (i) 28 days later, or
 - (ii) 6 months later if, within 28 days of the period beginning, the person to whom the interest is transferred notifies the tenant of the person’s intention to occupy a dwelling within the same building as the let property,

- (b) any period of up to 24 months beginning with the date of the person's death and ending with the person's interest in the tenancy being vested in another person (otherwise than as the person's executor).>

Margaret Burgess

- 13 In schedule 1, page 27, line 35, leave out <7> and insert <7A or 7B>

Margaret Burgess

- 14 In schedule 1, page 28, line 2, leave out paragraph 9

Margaret Burgess

- 15 In schedule 1, page 28, line 15, leave out <7, 8 and 9> and insert <7A to 8>

Margaret Burgess

- 16 In schedule 1, page 28, line 15, at end insert—

<Police housing

A tenancy cannot be a private residential tenancy if the landlord is the Scottish Police Authority.>

Margaret Burgess

- 17 In schedule 1, page 28, line 15, at end insert—

<Military housing

A tenancy cannot be a private residential tenancy if the landlord is the Secretary of State for Defence.>

Section 5

David Stewart

- 150 In section 5, page 2, line 30, at end insert—

<() Any contractual term of a private residential tenancy which is contrary to one or more of the statutory terms is of no effect.>

Schedule 2

Adam Ingram

- 151 In schedule 2, page 29, line 34, after first <tenant> insert <as the person's principal home>

Margaret Burgess

- 18 In schedule 2, page 30, line 2, at end insert—

<If—

- (a) the tenant has told the landlord about a person residing in the let property in accordance with the term specified in paragraph 3, and
 - (b) that person has ceased to reside in the let property,
- the tenant must tell the landlord that.>

Margaret Burgess

- 19** In schedule 2, page 30, line 12, leave out from second <the> to end of line and insert <an authorised purpose where—
- (a) the tenant has been given at least 48 hours’ notice, or
 - (b) access is required urgently for the purpose of—
 - (i) carrying out work on the let property, or
 - (ii) inspecting the let property in order to determine what work of a type mentioned in paragraph 5A(a) (if any) to carry out.

5A The authorised purposes are as follows—>

Margaret Burgess

- 20** In schedule 2, page 30, line 19, leave out paragraph 6

Section 12

Margaret Burgess

- 21** In section 12, page 5, line 3, leave out <think> and insert <thinks>

Section 14

Margaret Burgess

- 22** In section 14, page 5, line 31, leave out <the landlord>

Margaret Burgess

- 23** In section 14, page 5, line 32, at beginning insert <the landlord>

Margaret Burgess

- 24** In section 14, page 5, line 40, at end insert—
- <() where the application relates to a failure to perform a duty arising by virtue of section 8, may be made only as part of an application under section 12(1), and>

Margaret Burgess

- 25** In section 14, page 6, line 15, after <of> insert <the>

Section 15

Margaret Burgess

- 26 In section 15, page 6, line 21, after <begins> insert <on the later of>

Margaret Burgess

- 27 In section 15, page 6, line 22, leave out <on>

Margaret Burgess

- 28 In section 15, page 6, line 24, leave out <if later,>

Margaret Burgess

- 29 In section 15, page 6, line 29, after <to> insert <the>

Section 17

Margaret Burgess

- 30 In section 17, page 7, line 4, leave out from <where> to end of line 6 and insert <in a case where the last rent increase resulted from an order of the rent officer or the First-tier Tribunal, the 12 month period is to be regarded as commencing on the date on which the rent would have been increased in accordance with section 19(3A) had a referral to a rent officer not been made.>

After section 18

Margaret Burgess

- 31 After section 18, insert—

<Restriction on diligence

Except with the leave of the First-tier Tribunal, no diligence is to be done in respect of—

- (a) the rent due by a tenant or former tenant under a private residential tenancy,
- (b) any liability of a tenant or former tenant arising under section 26.>

Section 19

Margaret Burgess

- 32 In section 19, page 7, line 27, leave out from first <day> to end of line 31 and insert <effective date, unless before that date—>

Margaret Burgess

- 33 In section 19, page 7, line 33, at end insert—

<(3A) For the purpose of subsection (3), the effective date is the date of the later of—

- (a) the day specified in the notice in accordance with subsection (2)(a)(ii), or
- (b) the day after the day on which the minimum notice period ends.>

Margaret Burgess

- 34** In section 19, page 7, line 34, leave out <(3)(a)> and insert <(3A)(b)>

Margaret Burgess

- 35** In section 19, page 8, line 3, at end insert—

- <() In subsection (4), the reference to a period of three months is to a period which ends in the month which falls three months after the month in which it began, either—
 - (a) on the same day of the month as it began, or
 - (b) if the month in which the period ends has no such day, on the final day of that month.>

Margaret Burgess

- 36** In section 19, page 8, line 4, leave out subsection (5)

After section 19

Margaret Burgess

- 37** After section 19, insert—

<Modification of rent-increase notice by parties

- (1) Anything specified in a rent-increase notice in accordance with section 19(2)(a) may be modified by agreement between the landlord and tenant concerned.
- (2) A modification made to a rent-increase notice by virtue of subsection (1) ceases to have effect if the notice subsequently prompts a referral to a rent officer under section 20(1).>

Section 20

Margaret Burgess

- 38** In section 20, page 8, line 13, leave out <On receiving> and insert <Having received>

David Stewart

Supported by: Siobhan McMahon

- 152** In section 20, page 8, line 13, after <notice,> insert <or where there is cause to believe that the level of rent payable under a private residential tenancy exceeds an open market rent,>

David Stewart

Supported by: Siobhan McMahon

- 153** In section 20, page 8, line 15, leave out subsection (2)

Margaret Burgess

- 39 In section 20, page 8, line 17, leave out subsection (3)

Section 21

Margaret Burgess

- 40 In section 21, page 8, line 32, leave out from <date> to end of line 34 and insert <rent officer makes the order 14 days or more before the original effective date, the original effective date,>

Margaret Burgess

- 41 In section 21, page 9, leave out line 2 and insert—
 <“original effective date” means the date on which the rent would have been increased in accordance with section 19(3A) had the referral to the rent officer not been made,>

Section 22

Margaret Burgess

- 42 In section 22, page 9, line 7, leave out <section 21(1)> and insert <subsection (1) of section 21>

Section 24

Margaret Burgess

- 43 In section 24, page 9, line 33, leave out from <date> to end of line 34 and insert <original effective date, the original effective date,>

Margaret Burgess

- 44 In section 24, page 10, leave out lines 5 to 7 and insert—
 <“original effective date” means the date on which the rent would have been increased in accordance with section 19(3A) had a referral to the rent officer not been made, and>

Section 26

Margaret Burgess

- 45 In section 26, page 10, line 27, after <order> insert <(“the actual effective date”)>

Margaret Burgess

- 46 In section 26, page 10, line 27, leave out from <specified> to end of line 28 and insert <on which the rent would have been increased in accordance with section 19(3A) had a referral to a rent officer not been made (“the originally proposed effective date”), and>

Margaret Burgess

47 In section 26, page 10, line 29, after second <the> insert <actual>

Margaret Burgess

48 In section 26, page 10, line 30, leave out <the effective> and insert <that>

Margaret Burgess

49 In section 26, page 10, line 33, leave out <specified date and the> and insert <originally proposed effective date and the actual>

Margaret Burgess

50 In section 26, page 10, line 36, leave out <specified> and insert <originally proposed effective>

Margaret Burgess

51 In section 26, page 11, line 1, leave out from <specified> to first <the> on line 2 and insert <originally proposed effective date and the actual>

Margaret Burgess

52 In section 26, page 11, line 2, leave out <specified> and insert <originally proposed effective>

Margaret Burgess

53 In section 26, page 11, line 6, leave out from <where> to end of line 7 and insert <if, at the end of the day falling 28 days after a tenant's liability under subsection (3) arose, that liability is (in whole or in part) still outstanding.>

Margaret Burgess

54 In section 26, page 11, line 8, leave out from <tenant> to end of line 11 and insert <liability mentioned in subsection (4) is to be regarded as a sum that fell to be paid by way of rent on the day the liability arose.>

Margaret Burgess

55 In section 26, page 11, leave out lines 13 to 15

Section 27

Margaret Burgess

56 In section 27, page 11, line 20, after <landlord> insert <to a willing tenant>

Margaret Burgess

57 In section 27, page 11, leave out lines 27 to 32

Section 30

Patrick Harvie

- 154 In section 30, page 13, line 6, at beginning insert <No later than the end of one period of 3 months beginning with the day>

Patrick Harvie

- 155 In section 30, page 13, line 6, leave out <may> and insert <must—
(a) lay a document before the Parliament setting out the reasons why they consider that the provisions of section 33(2)(a) do not apply, or
(b)>

Margaret Burgess

- 58 In section 30, page 13, line 9, leave out <N> and insert <X>

Section 31

Margaret Burgess

- 59 In section 31, page 13, line 16, leave out from <by> to end of line 17 and insert <to an amount greater than—

$$R x \left(1 + \frac{CPI + 1 + X}{100} \right) + Y >$$

Patrick Harvie

- 156 In section 31, page 13, leave out lines 17 to 26 and insert <the number of percentage points prescribed in section 30(2)(b).>

Margaret Burgess

- 60 In section 31, page 13, line 18, at end insert—
<R is the rent payable under the tenancy immediately before the rent-increase notice in question takes effect,>

Margaret Burgess

- 61 In section 31, page 13, line 25, leave out <N> and insert <X>

Margaret Burgess

- 62 In section 31, page 13, line 26, at end insert—
<Y is the amount (if any) by which the rent may be increased by virtue of a rent officer's determination under section (*Rent officer's power to allow rent rise in consequence of improvement*).>

Margaret Burgess

- 63 In section 31, page 13, line 27, leave out subsection (2)

Patrick Harvie

- 157 In section 31, page 13, line 29, leave out subsection (3)

Section 33

Margaret Burgess

- 64 In section 33, page 14, line 6, at end insert—

<() This section applies in relation to the making of regulations under section 30 which designate an area as a rent pressure zone.>

Margaret Burgess

- 65 In section 33, page 14, line 7, leave out from <regulations> to <30> in line 8 and insert <the regulations>

Margaret Burgess

- 66 In section 33, page 14, line 10, leave out <proposed rent pressure zone> and insert <area mentioned in subsection (3)>

Margaret Burgess

- 67 In section 33, page 14, line 12, leave out <proposed rent pressure zone> and insert <area mentioned in subsection (3)>

Margaret Burgess

- 68 In section 33, page 14, line 13, leave out from <regulations> to <30> in line 14 and insert <the regulations>

Patrick Harvie

- 158 In section 33, page 14, line 17, after <rising> insert <, or have risen,>

Margaret Burgess

- 69 In section 33, page 14, line 25, at end insert—

<(3) The area referred to in subsection (1) is that of the local authority within whose area the proposed rent pressure zone lies.>

After section 34

Margaret Burgess

- 70 After section 34, insert—

<Improvements to let property

Rent officer's power to allow rent rise in consequence of improvement

- (1) On an application by the landlord under a private residential tenancy, a rent officer is to determine the amount (if any) by which the rent payable under the tenancy may be increased in consequence of an improvement made to the let property.
- (2) The rent payable under a tenancy may not be increased by virtue of a determination made in respect of an improvement which was completed before—
 - (a) the tenancy was granted, or
 - (b) if the rent payable under the tenancy has changed previously, the day on which it last changed.
- (3) The rent payable under a tenancy may not be increased more than once by virtue of a single determination.
- (4) In subsection (1), “improvement” does not include anything done to the let property—
 - (a) which is paid for in whole or in part by the tenant, or
 - (b) by way of repair, maintenance or decoration.
- (5) In a case where two or more persons jointly are the tenant under a tenancy, the reference to the tenant in subsection (4)(a) includes any one of them.>

Margaret Burgess

71 After section 34, insert—

<Further provision about making and determining an application under section (Rent officer's power to allow rent rise in consequence of improvement)

- (1) An application under section *(Rent officer's power to allow rent rise in consequence of improvement)*(1) must be made—
 - (a) in such form as may be prescribed by the Scottish Ministers in regulations,
 - (b) to a rent officer for the area in which the let property in question is situated.
- (2) On receiving an application under section *(Rent officer's power to allow rent rise in consequence of improvement)*(1), a rent officer must send a copy of it to the tenant concerned.
- (3) Before making a final determination under section *(Rent officer's power to allow rent rise in consequence of improvement)*, a rent officer must send—
 - (a) to both the landlord and tenant concerned a draft of the determination which the rent officer proposes to make,
 - (b) to the tenant a copy of any timeous representations received from the landlord in relation to the draft determination.
- (4) In making a determination under section *(Rent officer's power to allow rent rise in consequence of improvement)*, a rent officer must—
 - (a) follow any guidance published by the Scottish Ministers which sets out for the purposes of that section—
 - (i) what does, and does not, constitute an improvement made to a let property, and

- (ii) the amount by which the rent payable under a tenancy may be increased in consequence of a particular improvement, or the methodology by which the assessment of that amount is to be made, and
- (b) have regard to any timeous representations received from the landlord or tenant concerned.
- (5) For the purposes of subsections (3)(b) and (4)(b), representations are timeous if they are sent to the rent officer by—
 - (a) the landlord within 14 days of the landlord receiving the draft determination sent in accordance with subsection (3)(a),
 - (b) the tenant—
 - (i) within 14 days of the tenant receiving the copy of the application for a determination in accordance with subsection (2), or
 - (ii) if the rent officer sends to the tenant a copy of representations received from the landlord in accordance with subsection (3)(b), not more than 14 days after the tenant received the copy of the landlord’s representations.
- (6) In a case where two or more persons jointly are the landlord under the tenancy, references to the landlord in section (*Rent officer’s power to allow rent rise in consequence of improvement*) and this section are to any one of those persons.>

Section 35

Alex Johnstone

- 159** In section 35, page 14, line 34, leave out <by the landlord, the tenant, nor by any agreement between them,>

Alex Johnstone

- 160** In section 35, page 14, line 35, after <except> insert <—
 () by mutual agreement between the landlord and the tenant, or
 ()>

Section 36

Margaret Burgess

- 72** In section 36, page 15, line 13, leave out subsections (3) and (4) and insert—
 <(3) A sub-tenancy is not lawfully granted for the purpose of subsection (1) if—
 (a) sub-letting the let property is precluded by a term of—
 (i) the tenancy of the person who granted the sub-tenancy (“the mid-landlord”), or
 (ii) the tenancy of a tenant from whom the mid-landlord’s tenancy is held (directly or indirectly), and
 (b) the person entitled to enforce the term mentioned in paragraph (a) has not expressly or impliedly consented to the sub-tenancy being granted or continuing.>

Section 37

Margaret Burgess

- 73 In section 37, page 15, line 29, after second <the> insert <let>

Margaret Burgess

- 74 In section 37, page 15, line 30, after <the> insert <let>

Margaret Burgess

- 75 In section 37, page 15, line 32, after <the> insert <let>

Margaret Burgess

- 76 In section 37, page 15, line 33, after third <the> insert <let>

Margaret Burgess

- 77 In section 37, page 15, line 35, after second <the> insert <let>

Margaret Burgess

- 78 In section 37, page 15, line 36, after first <the> insert <let>

Margaret Burgess

- 79 In section 37, page 15, line 36, after <of> insert <a>

Margaret Burgess

- 80 In section 37, page 15, leave out line 39

Margaret Burgess

- 81 In section 37, page 15, line 39, at end insert—

<() that the tenancy was entered into on account of the tenant having an assessed need for community care and the tenant has since been assessed as no longer having that need.>

Margaret Burgess

- 82 In section 37, page 16, line 3, after <the> insert <let>

Section 38

Alex Johnstone

- 161 In section 38, page 16, line 11, after <on> insert <the later of—

()>

Margaret Burgess

83 In section 38, page 16, line 11, after <day> insert <on>

Alex Johnstone

162 In section 38, page 16, line 12, at end insert <, or
() the day on which the tenant ceases to occupy the let property.>

Section 39

Margaret Burgess

84 In section 39, page 16, line 20, at end insert—
<() it is given—
(i) freely and without coercion of any kind,
(ii) after the tenant begins occupying the let property,>

Margaret Burgess

85 In section 39, page 16, leave out lines 23 and 24

Patrick Harvie

163 In section 39, page 17, line 1, leave out from <, in> to <property> in line 4

Section 40

Alex Johnstone

164 In section 40, page 17, line 20, after <tenant> insert <—
(i)>

Alex Johnstone

165 In section 40, page 17, line 20, at end insert <, or
(ii) notifies the landlord in writing that the tenant has ceased to occupy the let
property.>

Margaret Burgess

86 In section 40, page 17, line 20, at end insert—
<() For the avoidance of doubt, a tenancy which is to come to an end under subsection (1)
may be brought to an end earlier in accordance with section 38.>

David Stewart

166 In section 40, page 17, line 20, at end insert—

<() In bringing a tenancy to an end in accordance with this section the landlord must comply with sections 22, 23 and 23A of the Rent (Scotland) Act 1984.>

David Stewart

167 In section 40, page 17, line 20, at end insert—

<() For the purposes of this Act, reference in section 23 of the Rent (Scotland) Act 1984 to “proceedings in the court” is to include proceedings in the First-tier Tribunal.>

Section 41

David Stewart

168 In section 41, page 17, line 24, after <that> insert <—

(a)>

Alex Johnstone

169 In section 41, page 17, line 24, after <that> insert <—

() section (*Termination due to end of tenancy*) applies, or

()>

David Stewart

170 In section 41, page 17, line 25, at end insert <, and

(b) it is fair and reasonable in all of the circumstances to issue an eviction order.

(1A) In deciding under subsection (1) whether it is fair and reasonable to issue an eviction order on the grounds mentioned in subsection (1B), the Tribunal is to have regard, in particular, to any evidence showing that the intention of the landlord has been carried out.

(1B) The eviction grounds referred to in subsection (1A) are—

(a) that the landlord intends to sell the let property,

(b) that the lender intends to sell the let property,

(c) that the landlord intends to carry out significantly disruptive works to, or in relation to, the let property,

(d) that the landlord or a member of the landlord’s family intends to live in the let property,

(e) that the landlord intends to use the let property for a purpose other than housing.

(1C) In deciding under subsection (1) whether it is fair and reasonable to issue an eviction order on the grounds mentioned in subsection (1D), the Tribunal is to have regard, in particular, to—

(a) the nature, frequency and duration of the conduct mentioned in the application for the eviction order,

(b) the extent to which that conduct is, or was, as a consequence of an act or omission of a person other than the tenant,

- (c) the effect that that conduct has had, is having or is likely to have, on any person other than the tenant,
 - (d) any action that the landlord has taken, before applying for an eviction order, to make the tenant cease that conduct.
- (1D) The eviction grounds referred to in subsection (1C) are—
- (a) that the tenant has failed to comply with an obligation under the tenancy,
 - (b) that the tenant has a relevant conviction,
 - (c) that the tenant has engaged in relevant anti-social behaviour.>

Alex Johnstone

- 171** In section 41, page 17, line 25, at end insert <, or
() it is reasonable in all of the circumstances to issue such an order.>

Alex Johnstone

- 172** In section 41, page 17, line 30, after <subsection (4)> insert <(but see subsection 4A)>

Margaret Burgess

- 87** In section 41, page 17, line 31, leave out <43> and insert <44>

Alex Johnstone

- 173** In section 41, page 17, line 33, at end insert—
- <(4A) Despite subsection (3)(b), the Tribunal may entertain an application for an eviction order where—
- (a) the Tribunal has considered an application by the landlord against the tenant within a period of 2 months preceding the current application,
 - (b) the ground for eviction in relation to that application was that the tenant had been in rent arrears for three or more consecutive months,
 - (c) the Tribunal did not issue an eviction order in relation to that application,
 - (d) the tenant has since failed to pay any or all of the rent arrears due, and
 - (e) the tenant is in arrears of rent by an amount equal to or greater than the amount which would be payable as one month's rent under the tenancy.>

David Stewart

- 174** In section 41, page 18, line 11, at end insert—
- <() The First-tier Tribunal may suspend the execution of an order issued under subsection (1) where executing the order is likely to cause undue hardship on the tenant and the tenant's family, or on other occupiers.>

Schedule 3

Margaret Burgess

- 88 In schedule 3, page 31, line 1, after first <it> insert <on the open market>

Margaret Burgess

- 89 In schedule 3, page 31, line 2, at end insert—

<() Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—

- (a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,
- (b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.>

Margaret Burgess

- 90 In schedule 3, page 31, line 10, leave out from <, and> to end of line 18

Margaret Burgess

- 91 In schedule 3, page 31, line 28, at end insert—

<() Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(a) includes (for example)—

- (a) any planning permission which the intended refurbishment would require,
- (b) a contract between the landlord and an architect or a builder which concerns the intended refurbishment.>

Margaret Burgess

- 92 In schedule 3, page 31, line 35, at beginning insert <(subject to sub-paragraph (7))>

Margaret Burgess

- 93 In schedule 3, page 32, leave out lines 20 and 21 and insert—

<(6) References to the landlord in this paragraph—

- (a) in a case where there are joint landlords, are to be read as referring to any one of them,
 - (b) in a case where the landlord holds the landlord's interest as a trustee under a trust, are to be read as referring to a person who is entitled under the trust to—
 - (i) the liferent of the landlord's interest,
 - (ii) the fee (or a share of the fee) of the landlord's interest, or
 - (iii) occupy the let property.
- (7) In a case where the landlord holds the landlord's interest as a trustee under a trust, sub-paragraph (2)(b) is to be ignored.>

Margaret Burgess

94 In schedule 3, page 32, line 21, at end insert—

<() Evidence tending to show that the landlord, or a member of the landlord’s family, has the intention mentioned in sub-paragraph (2) includes (for example) an affidavit stating that the person has that intention.>

Alex Johnstone

177 In schedule 3, page 32, line 21, at end insert—

<Landlord intends to let property to shareholder

- (1) It is an eviction ground that the landlord, where the landlord is a limited company, intends to let the property to a shareholder of the limited company.
- (2) The First-tier Tribunal must find that the ground named by sub-paragraph (1) applies if the landlord intends to let the property to the shareholder as the shareholder’s only or principal home for at least 3 months.>

Alex Johnstone

178 In schedule 3, page 32, line 21, at end insert—

<Landlord intends to let property to beneficiary

- (1) It is an eviction ground that a landlord, where the landlord is a trust, intends to let the property to a beneficiary of the trust.
- (2) The First-tier Tribunal must find that the ground named by sub-paragraph (1) applies if the landlord intends to let the property to the beneficiary as the beneficiary’s only or principal home for at least 3 months.>

Margaret Burgess

95 In schedule 3, page 32, line 27, at end insert—

<() Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2) includes (for example) any planning permission which would be required if the let property is to be used for the intended purpose.>

Margaret Burgess

96 In schedule 3, page 32, line 35, at end insert—

<() the property has previously been occupied by a person engaged in the work of a religious denomination as a residence from which that person’s duties were performed,>

Margaret Burgess

97 In schedule 3, page 32, line 36, leave out <that purpose> and insert <the purpose mentioned in paragraph (a)>

Margaret Burgess

98 In schedule 3, page 32, leave out lines 37 and 38

Margaret Burgess

99 In schedule 3, page 33, line 1, leave out <(2)(a), the> and insert <(2),>

Alex Johnstone

179 In schedule 3, page 33, line 2, at end insert—

<Property required for an employee or retired employee

- (1) It is an eviction ground that the let property is required for use by a qualifying employee of the landlord.
- (2) The First-tier Tribunal must find the ground named by sub-paragraph (1) applies if—
 - (a) the let property is held for the purpose of being available for occupation by a person who is an employee of the landlord, and
 - (b) the property is required for the purpose mentioned in paragraph (a).
- (3) In subsection (1), a “qualifying employee” includes a former employee of the landlord who, by reason of retirement, is no longer employed by the landlord.>

Margaret Burgess

100 In schedule 3, page 33, line 14, at end insert <and

(c) either—

- (i) the application for an eviction order that is before the Tribunal was made within 12 months of the tenant ceasing to be an employee of the landlord, or
- (ii) if the tenant never became an employee of the landlord, the application for an eviction order that is before the Tribunal was made within 12 months of the tenancy being granted to the tenant.

(2A) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

- (a) the conditions set out in sub-paragraph (2)(a) and (b) are met, and
- (b) the Tribunal is satisfied that it is reasonable to issue an eviction order, despite the landlord not applying for one within the period of 12 months mentioned in sub-paragraph (2)(c).>

Margaret Burgess

101 In schedule 3, page 33, line 15, leave out <sub-paragraph (2)> and insert <sub-paragraphs (2) and (2A)>

Margaret Burgess

102 In schedule 3, page 33, line 18, leave out paragraph 8

Margaret Burgess

103 In schedule 3, page 33, line 31, at end insert—

<No longer in need of supported accommodation

- (1) It is an eviction ground that the tenancy was entered into on account of the tenant having an assessed need for community care and the tenant has since been assessed as no longer having that need.
- (2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—
 - (a) the tenancy was granted in consequence of the tenant being assessed under section 12A of the Social Work (Scotland) Act 1968 to have needs calling for the provision of community care services,
 - (b) the tenancy would not have been granted to the tenant on the basis of the latest assessment of the tenant's needs under that section, and
 - (c) the Tribunal considers it reasonable to issue an eviction order on account of that fact.
- (3) The condition in sub-paragraph (2)(a) is to be deemed to be met if the tenancy was granted as a result of a local authority taking urgent action by virtue of section 12A(5) of the Social Work (Scotland) Act 1968.>

David Stewart

180 In schedule 3, page 33, line 35, after <tenant's> insert <only or principal>

David Stewart

181 In schedule 3, page 33, line 36, at end insert—

<(1A) A landlord wishing to pursue an eviction action under sub-paragraph (1) must—

- (a) make inquiries to reasonably satisfy the landlord that the tenant does not intend to occupy the property as the tenant's only or principal home, and
 - (b) serve on the tenant a notice—
 - (i) stating that the landlord has reason to believe that the property is unoccupied and that the tenant does not intend to occupy it as the tenant's only or principal home,
 - (ii) requiring the tenant to inform the landlord in writing within 4 weeks of service of the notice if the tenant intends to occupy the property as the tenant's only or principal home,
 - (iii) informing the tenant that, if it appears to the landlord at the end of that period that the tenant does not intend so to occupy the property, the tenancy will be terminated with immediate effect.
- (1B) The First-tier Tribunal must find that the ground named by sub-paragraph (1) applies if—
- (a) the landlord has—
 - (i) served on the tenant a notice complying with sub-paragraph (1A), and

- (ii) made such inquiries as may be necessary to reasonably satisfy the landlord that the property is unoccupied and that the tenant does not intend to occupy it as the tenant's only or principal home, and
 - (iii) suffered financial or other detriment due to the tenants failure to occupy the property as the tenant's only or principal home, and
- (b) the period mentioned in sub-paragraph (1A)(b)(ii) has ended.
- (1C) For the purposes of sub-paragraph (1B) "detriment" means financial detriment or detriment to the property.>

David Stewart

- 182** In schedule 3, page 34, leave out lines 1 to 6

Margaret Burgess

- 104** In schedule 3, page 34, leave out lines 3 and 4 and insert—
- <() the let property is not being occupied as the only or principal home of—
 - (i) the tenant, or
 - (ii) a person to whom a sub-tenancy of the let property has been lawfully granted, and>

Margaret Burgess

- 105** In schedule 3, page 34, line 5, leave out <tenant's not doing so> and insert <property's not being so occupied>

Margaret Burgess

- 106** In schedule 3, page 34, line 6, at end insert—
- <() In sub-paragraph (2), the reference to a sub-tenancy being lawfully granted is to be construed in accordance with section 36(3).>

Margaret Burgess

- 107** In schedule 3, page 34, leave out lines 11 and 12

Margaret Burgess

- 108** In schedule 3, page 34, line 14, leave out <any other> and insert <a>

Margaret Burgess

- 109** In schedule 3, page 34, line 17, leave out <References> and insert <The reference>

Margaret Burgess

- 110** In schedule 3, page 34, line 17, leave out <do> and insert <does>

David Stewart

- 183 In schedule 3, page 34, line 20, leave out from <the> to end of line 21 and insert <rent lawfully due from the tenant has not been paid.>

Alex Johnstone

- 184 In schedule 3, page 34, line 21, leave out <consecutive>

Margaret Burgess

- 111 In schedule 3, page 34, leave out lines 24 to 28 and insert—
- <() at the beginning of the day on which the Tribunal first considers the application for an eviction order on its merits, the tenant—
- (i) is in arrears of rent by an amount equal to or greater than the amount which would be payable as one month's rent under the tenancy on that day, and
- (ii) has been in arrears of rent (by any amount) for a continuous period, up to and including that day, of three or more consecutive months, and>

Alex Johnstone

- 111A As an amendment to amendment 111, line 6, leave out <for a continuous period, up to and including that day,>

Alex Johnstone

- 111B As an amendment to amendment 111, line 7, leave out <consecutive>

David Stewart

- 185 In schedule 3, page 34, leave out lines 24 to 28 and insert—
- <() the tenant is in arrears by an amount of rent equal to or greater than three months' rent at the date of the hearing, and>

David Stewart

- 186 In schedule 3, page 34, line 29, leave out <over that period>

Alex Johnstone

- 187 In schedule 3, page 34, line 34, leave out <consecutive>

Margaret Burgess

- 112 In schedule 3, page 35, line 15, leave out from <after> to end of line and insert—
- <() after the tenancy is granted, the tenant receives a relevant conviction, and
- () either—
- (i) the application for an eviction order that is before the Tribunal was made within 12 months of the tenant's conviction, or

- (ii) the Tribunal is satisfied that the landlord has a reasonable excuse for not making the application within that period.

(2A) In sub-paragraph (2), “a relevant conviction” means a conviction for an offence—>

Margaret Burgess

- 113** In schedule 3, page 35, line 26, leave out <the> to end of line 33 and insert <—
- (c) the tenant has behaved in an anti-social manner in relation to another person,
 - (d) the anti-social behaviour is relevant anti-social behaviour, and
 - (e) either—
 - (i) the application for an eviction order that is before the Tribunal was made within 12 months of the anti-social behaviour occurring, or
 - (ii) the Tribunal is satisfied that the landlord has a reasonable excuse for not making the application within that period.>

Margaret Burgess

- 114** In schedule 3, page 35, line 34, leave out <acting> and insert <behaving>

Margaret Burgess

- 115** In schedule 3, page 36, line 9, at end insert—
- <() Anti-social behaviour is relevant anti-social behaviour for the purpose of sub-paragraph (2)(d) if the Tribunal is satisfied that it is reasonable to issue an eviction order as a consequence of it, given the nature of the anti-social behaviour and—
- (a) who it was in relation to, or
 - (b) where it occurred.
- () In a case where two or more persons jointly are the tenant under a tenancy, the reference in sub-paragraph (2) to the tenant is to any one of those persons.>

Margaret Burgess

- 116** In schedule 3, page 36, line 9, at end insert—
- <Association with person who has relevant conviction or engaged in relevant anti-social behaviour*
- (1) It is an eviction ground that the tenant associates in the let property with a person who has a relevant conviction or has engaged in relevant anti-social behaviour.
 - (2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—
 - (a) a person who falls within sub-paragraph (4)—
 - (i) has received a relevant conviction as defined by paragraph 12(2A), or
 - (ii) has engaged in relevant anti-social behaviour,
 - (b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact, and
 - (c) either—

- (i) the application for an eviction order that is before the Tribunal was made within 12 months of the conviction or (as the case may be) the occurrence of the anti-social behaviour, or
 - (ii) the Tribunal is satisfied that the landlord has a reasonable excuse for not making the application within that period.
- (3) In sub-paragraph (2)(a)(ii), “relevant anti-social behaviour” means behaviour which, if engaged in by the tenant, would entitle the Tribunal to issue an eviction order on the basis that the tenant has engaged in relevant anti-social behaviour.
- (4) A person falls within this sub-paragraph if the person—
- (a) resides or lodges in the let property,
 - (b) has sub-let the let property (or part of it) from the tenant, or
 - (c) has been admitted to the let property by the tenant on more than one occasion.
- (5) In a case where two or more persons jointly are the tenant under a tenancy, the references in sub-paragraphs (3) and (4) to the tenant are to any one of those persons.>

Patrick Harvie

188 In schedule 3, page 36, line 13, leave out paragraph 14

Margaret Burgess

117 In schedule 3, page 36, line 15, leave out <must> and insert <may>

Margaret Burgess

118 In schedule 3, page 36, line 26, after <section> insert <, and—

- () the Tribunal is satisfied it is reasonable to issue an eviction order on account of those facts>

Margaret Burgess

119 In schedule 3, page 36, line 31, leave out <must> and insert <may>

Margaret Burgess

120 In schedule 3, page 36, line 33, after <revoked> insert <, and

- () the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact>

Margaret Burgess

121 In schedule 3, page 37, line 1, leave out <must> and insert <may>

Margaret Burgess

122 In schedule 3, page 37, line 3, after <2011> insert <, and

- () the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact>

After section 41

Adam Ingram

175 After section 41, insert—

<First-tier Tribunal's power of discretion

- (1) The First-tier Tribunal may adjourn, for such period or periods as it thinks fit proceedings, in relation to an eviction order against a tenant under a private residential tenancy.
- (2) On the making of an eviction order against the tenant under a private residential tenancy or at any time before the execution of such an order, the First-tier Tribunal may—
 - (a) sist or suspend execution of the order, or
 - (b) postpone the date of eviction,for such period as it thinks fit.
- (3) On any such adjournment the First-tier Tribunal may impose such conditions with regard to payments of arrears of rent (if any) or rent or payments in respect of occupation or any such other conditions as it thinks fit.
- (4) If any such conditions referred to in subsection (3) are complied with, the First-tier Tribunal may, if its thinks fit, recall any such order as is referred to in subsection (2).>

Alex Johnstone

176 After section 41, insert—

<Termination due to end of tenancy

- (1) The First-tier Tribunal must make an eviction order against the tenant under a private residential tenancy if the Tribunal is satisfied that—
 - (a) the tenancy has reached its ish,
 - (b) tacit relocation is not operating,
 - (c) no further contractual tenancy is for the time being in existence, and
 - (d) the landlord has given notice to leave to the tenant.
- (2) The period of notice to be given under subsection (1)(b) is the period of 6 months beginning on the day the notice is received by the tenant.>

Section 43

Margaret Burgess

123 Leave out section 43

Section 44

Margaret Burgess

124 In section 44, page 19, line 16, at end insert—

<() that the tenant associates in the let property with a person who has a relevant conviction or has engaged in relevant anti-social behaviour.>

Section 47

Patrick Harvie

189 In section 47, page 20, line 3, at end insert <, or by a person providing independent advocacy services on the tenant or joint tenant’s behalf,>

Margaret Burgess

125 In section 47, page 20, line 8, after <immediately> insert <before>

Section 48

Patrick Harvie

190 In section 48, page 20, line 15, at end insert <, or by a person providing independent advocacy services on behalf of the former tenant>

Patrick Harvie

191 In section 48, page 20, line 21, at end insert—

<() For the purposes of this section and section 47, “advocacy services” and “independent” have the meaning given in section 259 of the Mental Health (Care and Treatment) (Scotland) Act 2003.>

Section 49

Margaret Burgess

126 In section 49, page 20, line 23, leave out <and 48> and insert <, 48 and (*Notice to local authority of wrongful-termination order*)>

Clare Adamson

192 In section 49, page 20, line 26, leave out <three> and insert <six>

After section 49

Margaret Burgess

127 After section 49, insert—

<Notice to local authority of wrongful-termination order

- (1) When the First-tier Tribunal makes a wrongful-termination order against a person, the Tribunal must send a copy of it to any local authority with which the person is registered as a landlord.
- (2) For the purposes of subsection (1)—

- (a) the reference to a person against whom a wrongful-termination order is made is a reference to the person who is liable to make a payment under the order,
- (b) a person is registered as a landlord with a local authority if the person is entered in the register prepared and maintained by the local authority for the purposes of Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004.>

Section 51

Margaret Burgess

- 128** Leave out section 51

Section 52

Margaret Burgess

- 129** In section 52, page 22, line 1, after <ground> insert <, or grounds,>

Margaret Burgess

- 130** In section 52, page 22, line 10, leave out from third <the> to end of line 12

Section 53

Clare Adamson

- 193** In section 53, page 22, line 22, at end insert—
<() Subsection (1) does not apply in relation to the reference to six months in section 49(1).>

Section 54

Margaret Burgess

- 142** Leave out section 54

After section 54

Margaret Burgess

- 143** After section 54, insert—

<Termination of tenancy on tenant's death

A tenancy which is a private residential tenancy comes to an end if—

(a) the sole tenant under the tenancy dies, and

(b) nobody inherits the tenancy under section 55.>

Clare Adamson

- 143A** As an amendment to amendment 143, line 5, after <55> insert <, (*Other family member's entitlement to inherit*) or (*Carer's entitlement to inherit*)>

Section 55

Margaret Burgess

- 144** In section 55, page 22, line 28, leave out subsections (1) to (3) and insert—
- <(1A) When the sole tenant under a private residential tenancy dies, the tenant's bereaved partner becomes the tenant under the tenancy if the conditions set out in subsection (1B) are met.
 - (1B) The conditions are—
 - (a) the tenant's interest under the tenancy was not inherited by the tenant,
 - (b) before the tenant's death the landlord was given notice by the tenant and the bereaved partner that they intended the bereaved partner to inherit the tenancy in the event of the tenant's death,
 - (c) neither the tenant nor the bereaved partner rescinded the notice mentioned in paragraph (b) before the tenant's death,
 - (d) the bereaved partner was in a qualifying relationship with the tenant immediately before the tenant's death, and
 - (e) the let property was occupied as the bereaved partner's only or principal home at the time of the tenant's death.>

Clare Adamson

- 194** In section 55, page 23, line 3, leave out subsections (4) and (5)

Margaret Burgess

- 145** In section 55, page 23, line 3, leave out <(1)> and insert <(1B)(d)>

Margaret Burgess

- 146** In section 55, page 23, line 8, at end insert—
- <() A notice for the purpose of subsection (1B)(b) may only be given, and rescinded, in writing.>

After section 55

Clare Adamson

- 195** After section 55, insert—
- <**Other family member's entitlement to inherit**
 - (1) When—
 - (a) the sole tenant under a private residential tenancy dies, and

- (b) nobody inherits the tenancy under section 55,
a member of the tenant's family becomes the tenant under the tenancy if the conditions set out in subsection (2) are met.
- (2) The conditions are—
- (a) the tenant's interest under the tenancy was not inherited by the tenant,
 - (b) before the tenant's death the landlord was given notice by the tenant and the family member that they intended the family member to inherit the tenancy in the event of the tenant's death,
 - (c) neither the tenant nor the family member rescinded the notice mentioned in paragraph (b) before the tenant's death,
 - (d) the let property—
 - (i) is occupied as the family member's only or principal home at the time of the tenant's death, and
 - (ii) was so occupied by the family member for at least a year before that,
 - (e) the family member is at least 16 years of age at the time of the tenant's death.
- (3) A notice for the purpose of subsection (2)(b) may only be given, and rescinded, in writing.
- (4) For the purpose of subsection (2)(d)(ii), no account is to be taken of any period of time during which the family member was occupying the let property if and so far as the period pre-dates the landlord being told by the tenant that the let property was the family member's only or principal home.>

Clare Adamson

196 After section 55, insert—

<Carer's entitlement to inherit

- (1) When—
- (a) the sole tenant under a private residential tenancy dies, and
 - (b) nobody inherits the tenancy under section 55 or (*Other family member's entitlement to inherit*),
- a resident carer becomes the tenant under the tenancy if the conditions set out in subsection (2) are met.
- (2) The conditions are—
- (a) the tenant's interest under the tenancy was not inherited by the tenant,
 - (b) before the tenant's death the landlord was given notice by the tenant and the resident carer that they intended the resident carer to inherit the tenancy in the event of the tenant's death,
 - (c) neither the tenant nor the resident carer rescinded the notice mentioned in paragraph (b) before the tenant's death,
 - (d) the let property—
 - (i) is occupied as the resident carer's only or principal home at the time of the tenant's death, and

- (ii) was so occupied by the resident carer for at least a year before that,
 - (e) the resident carer had a previous only or principal home which was given up,
 - (f) the resident carer is at least 16 years of age at the time of the tenant's death.
- (3) A notice for the purpose of subsection (2)(b) may only be given, and rescinded, in writing.
 - (4) For the purpose of subsection (2)(d)(ii), no account is to be taken of any period of time during which the resident carer was occupying the let property if and so far as the period pre-dates the landlord being told by the tenant that the let property was the resident carer's only or principal home.
 - (5) For the purposes of this section, "a resident carer" means a person who provides, or has provided, care for the tenant or a member of the tenant's family.>

Clare Adamson

197 After section 55, insert—

<Order of succession

- (1) This section makes provision for the purpose of determining who inherits a tenancy under section 55, (*Other family member's entitlement to inherit*) or (*Carer's entitlement to inherit*) in the event that, at the time of the sole tenant's death, the landlord has more than one un-rescinded notice under the section.
- (2) By giving an un-rescinded notice under the section, the tenant is to be deemed to have rescinded the preceding un-rescinded notice given under the section.
- (3) But subsection (2) does not apply if it would result in—
 - (a) nobody inheriting the tenancy under the section, or
 - (b) the tenancy being inherited under the section by one person ("A") rather than by another person ("B") contrary to a written instruction given by the tenant to the landlord that B's entitlement to inherit the tenancy under the section is to take precedence over A's.
- (4) Where subsection (2) does not apply because of subsection (3)(b), by giving the notice by virtue of which B stands to inherit the tenancy, the tenant is to be deemed to have rescinded the notice by virtue of which A stands to inherit the tenancy.
- (5) In this section, an "un-rescinded notice" means a notice that has not been rescinded by either the tenant or the person who stands to inherit the tenancy by virtue of the notice.>

Clare Adamson

198 After section 55, insert—

<Interpretation of Part

- (1) For the purposes of this Part—
 - (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 person is a family member of a tenant if the person is—
 - (i) a qualifying relative of the tenant,
 - (ii) a qualifying relative of a person who was in a qualifying relationship with the tenant immediately before the tenant’s death, or
 - (iii) in a qualifying relationship with a qualifying relative of the tenant.
- (2) In subsection (1)(b), “a qualifying relative” means a parent, grandparent, child, grandchild, brother or sister.
- (3) For the purposes of this section—
 - (a) a relationship of the half blood is to be regarded as a relationship of the whole blood,
 - (b) a person’s stepchild is to be regarded as the person’s child,
 - (c) a person (“A”) is to be regarded as the child of another person (“B”), if A is being or has been treated by B as B’s child.>

Section 56

Margaret Burgess

147 Leave out section 56

After section 56

Margaret Burgess

131 After section 56, insert—

<PART

MISCELLANEOUS PROVISIONS

First-tier Tribunal’s jurisdiction

- (1) In relation to civil proceedings arising from a private residential tenancy—
 - (a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),
 - (b) a sheriff does not have competence or jurisdiction.
- (2) For the purposes of subsection (1), civil proceedings are any proceedings other than—
 - (a) the prosecution of a criminal offence,
 - (b) any proceedings related to such a prosecution.>

Margaret Burgess

132 After section 56, insert—

<First-tier Tribunal’s duty to report unregistered landlords

- (1) The First-tier Tribunal must notify the local authority in whose area a property is being let if, in the course of relevant proceedings before it, the Tribunal learns or is given cause to suspect that the landlord under the tenancy is not registered as a landlord with the local authority.
- (2) In notifying a local authority under subsection (1), the Tribunal must tell the local authority—
 - (a) the landlord’s name and address, and
 - (b) the address of the property mentioned in that subsection.
- (3) For the purposes of subsection (1)—
 - (a) proceedings are “relevant proceedings” if—
 - (i) they arise from a private residential tenancy under which the property mentioned in that subsection is or was let, and
 - (ii) the landlord is a party to them,
 - (b) a person is not registered as a landlord with a local authority if the person is not entered in the register prepared and maintained by the local authority for the purposes of Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004.>

Margaret Burgess

133 After section 56, insert—

<Minor errors in documents

- (1) An error in the completion of a document to which this section applies does not make the document invalid unless the error materially affects the effect of the document.
- (2) This section applies to—
 - (a) a notice under section 12(3), 14(3)(b), 19(1) or 50(1),
 - (b) the document by which a referral is made to a rent officer under section 20(1),
 - (c) the document by which an application is made to a rent officer under section (*Rent officer’s power to allow rent rise in consequence of improvement*)(1), and
 - (d) a notice to leave (as defined by section 52(1)).>

Schedule 4

Margaret Burgess

148 In schedule 4, page 37, line 8, leave out paragraph 1

Margaret Burgess

149 In schedule 4, page 38, line 2, leave out paragraph 5

Schedule 5

Margaret Burgess

- 134 In schedule 5, page 40, line 6, leave out <("the 2016 Act")>

Section 60

Margaret Burgess

- 135 In section 60, page 24, line 13, leave out <, 30>

Margaret Burgess

- 136 In section 60, page 24, line 15, after <29,> insert <(Further provision about making and determining an application under section (Rent officer's power to allow rent rise in consequence of improvement)),>

Margaret Burgess

- 137 In section 60, page 24, line 15, leave out <, 51>

Margaret Burgess

- 138 In section 60, page 24, line 16, at end insert—
- <() Regulations under section 30—
- (a) if they designate an area as a rent pressure zone, are subject to the affirmative procedure,
 - (b) otherwise, are subject to the negative procedure.>

Section 61

Margaret Burgess

- 139 In section 61, page 24, line 24, after <payable> insert <periodically>

Margaret Burgess

- 140 In section 61, page 24, line 25, after <tenancy> insert <(and includes, for the avoidance of doubt, any sums payable in respect of services, repairs, maintenance or insurance)>

Section 62

Margaret Burgess

- 141 In section 62, page 25, line 4, at end insert—
- <() Regulations under subsection (2) appointing the day that section 1 is to come into force may—

- (a) amend the following enactments so that, instead of referring to the day on which section 1 comes into force, they specify the date that section 1 actually comes into force—
 - (i) section 12(1A) of the Housing (Scotland) Act 1988,
 - (ii) section 31A(1)(a) of that Act,
 - (iii) section 3B(1)(a) of the Rent (Scotland) Act 1984, and
- (b) repeal section 6(5) on the day that section 1 comes into force.>

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