

2013 No. 19 (C. 2)

HOUSING

**The Private Rented Housing (Scotland) Act 2011
(Commencement No. 5 and Transitional Provision) Order 2013**

<i>Made</i>	- - - -	<i>24th January 2013</i>
<i>Laid before the Scottish Parliament</i>		<i>28th January 2013</i>
<i>Coming into force</i>	- -	<i>28th February 2013</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 41(3) and (4) of the Private Rented Housing (Scotland) Act 2011^(a).

Citation and commencement

1. This Order may be cited as the Private Rented Housing (Scotland) Act 2011 (Commencement No. 5 and Transitional Provision) Order 2013 and comes into force on 28th February 2013.

Appointed day

2. Section 33 (tenant information packs) of the Private Rented Housing (Scotland) Act 2011, in so far as it is not already in force, will come into force on 1st May 2013.

Transitional provision

3. The commencement of section 33 of the Private Rented Housing (Scotland) Act 2011 has no effect in relation to an assured tenancy created before 1st May 2013.

St Andrew's House,
Edinburgh
24th January 2013

M J BURGESS
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings section 33, insofar as it is not already in force, of the Private Rented Housing (Scotland) Act 2011 (“the 2011 Act”) into force on 1st May 2013. The section was partially commenced but only for the purpose of enabling the Scottish Ministers to specify documents and make provision by order.

Section 33 of the 2011 Act inserts two new sections, 30A and 30B into the Housing (Scotland) Act 1988 (c.43). Section 30A makes it the duty of a person who is to be the landlord under an assured tenancy to provide the person who is to be the tenant with such documents as are prescribed under section 30B. Failure to provide the documents without reasonable excuse is a criminal offence. Section 30B sets out the types of document that may be prescribed.

Article 3 provides that the commencement of the duty will not have any effect in relation to tenancies which have been created before the date on which the new sections come into force.

The Bill for the 2011 Act received Royal Assent on 20th April 2011. Part 5 of the 2011 Act (sections 38 to 41: general provisions) came into force the following day.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision of the 2011 Act</i>	<i>Date of commencement</i>	<i>Instrument number</i>
Section 1	1st July 2012	S.S.I. 2012/150
Section 2	31st August 2011	S.S.I. 2011/270
Section 4(a) (partially)	31st August 2011	S.S.I. 2011/270
Section 4(a) (insofar as not already in force)	1st July 2012	S.S.I. 2012/150
Sections 4(b), 7, 10	31st August 2011	S.S.I. 2011/270
Section 13(1), (3) and (6)	31st August 2011	S.S.I. 2011/270
Section 13(2), (4) and (5)	31st January 2012	S.S.I. 2012/2
Sections 14, 15 and 16	31st August 2011	S.S.I. 2011/270
Partially, sections 17, 19 and 29	31st January 2012	S.S.I. 2012/2
Section 32(2) (partially)	31st January 2012	S.S.I. 2012/2
Section 32 (insofar as not already in force)	30th November 2012	S.S.I. 2012/267
Section 33 (partially)	31st August 2011	S.S.I. 2011/270
Sections 34, 36 and 37	31st August 2011	S.S.I. 2011/270