

2018 No. 153 (C. 14)

HOUSING

**The Housing (Scotland) Act 2014 (Commencement No. 8,
Savings, Transitional and Supplemental Provisions) Order 2018**

<i>Made</i> - - - -	<i>12th May 2018</i>
<i>Laid before the Scottish Parliament</i>	<i>15th May 2018</i>
<i>Coming into force</i> - -	<i>24th June 2018</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 102(1) and 104(3) and (5) of the Housing (Scotland) Act 2014(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Housing (Scotland) Act 2014 (Commencement No. 8, Savings, Transitional and Supplemental Provisions) Order 2018 and comes into force on 24th June 2018.

(2) In this Order—

“the Act” means the Housing (Scotland) Act 2014; and

“the 2001 Act” means the Housing (Scotland) Act 2001(b).

Appointed days

2. The day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in the schedule (the subject-matter of which is described in column 2 of that table) is specified in column 3 of the table in the schedule.

Saving provision: sections 7(4)(b), 9(1) and (2), 10 and 11(d) of the Act

3. Despite the commencement of the following provisions of the Act, the amendments made by those provisions have no effect in relation to a short Scottish security tenancy where a notice under section 34(4) (short Scottish secure tenancies) of the 2001 Act in relation to that tenancy is served prior to 1st May 2019:—

- (a) section 7(4)(b) (grounds for granting short Scottish secure tenancy);
- (b) section 9(1) and (2) (short Scottish secure tenancy: term);
- (c) section 10 (short Scottish secure tenancy: extension of term); and

(a) 2014 asp 14 (“the 2014 Act”). Section 8 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (“the 2010 Act”) enables the power contained in section 104(3) of the 2014 Act to be exercised so as to appoint different days for different purposes. The powers to make this Order are exercised together by virtue of section 33(2) of the 2010 Act. This Order is subject to the negative procedure by virtue of section 33(4) of the 2010 Act.

(b) 2001 asp 10.

- (d) section 11(d) (short Scottish secure tenancy: recovery of possession).

Saving provision: section 11(a) and (b) of the Act

4. Despite the commencement of section 11(a) and (b) (short Scottish secure tenancy: recovery of possession) of the Act, the amendments made by those provisions have no effect in relation to proceedings raised under section 36(1) (recovery of possession) of the 2001 Act which rely on a notice under section 36(2)(a) (recovery of possession) of the 2001 Act served prior to 1st May 2019.

Saving provision: section 11(e) and (f), section 14(2)(a) and section 15 of the Act

5. Despite the commencement of the following provisions of the Act, the amendments made by those provisions have no effect in relation to proceedings raised under section 14(1) of the 2001 Act (proceedings for possession) which rely on a notice under section 14(2)(a) of the 2001 Act served prior to 1st May 2019:—

- (a) section 11(e) and (f) (short Scottish secure tenancy: recovery of possession);
- (b) section 14(2)(a) (powers of court in possession proceedings); and
- (c) section 15 (recovery of possession of properties designed for special needs).

Transitional provisions

6. For the purposes of section 11(6A) (Scottish secure tenancy) of the 2001 Act(a), a notification given prior to 1st November 2019 by—

- (a) a person falling within section 11(6) of the 2001 Act(b) at the time the notice was given; or
- (b) any other person who was the tenant of the house in question when the notice was given,

that the house in question is, or is intended to be, the person's only or principal home shall be deemed to be a notification for the purposes of section 11(6B) of the 2001 Act.

7.—(1) For the purposes of section 32(1)(b) (assignment, subletting etc. of Scottish secure tenancy) of the 2001 Act(c), a notification given prior to 1st November 2019 by—

- (a) the assignee; or
- (b) any other person who was the tenant of the house in question when the notice was given,

that the house in question was the person's only or principal home shall be deemed to be a notification for the purposes of section 32(1A) of the 2001 Act(d).

(2) For the purposes of section 32(1)(c) of the 2001 Act(e), a notification given prior to 1st November 2019 by—

- (a) the tenant; or
- (b) any other person who was the tenant of the house in question when the notice was given,

that the house in question was the tenant's only or principal home shall be deemed to be a notification for the purposes of section 32(1B) of the 2001 Act(f).

8. For the purposes of paragraph 2, 3 or 4 of schedule 3 (succession to Scottish secure tenancy) of the 2001 Act(g), a notification given prior to 1st November 2019 by—

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- (a) Section 11(6A) and (6B) is inserted by section 12(1)(b) of the Housing (Scotland) Act 2014 ("the 2014 Act"). Section 12(1) is commenced by these Regulations.
 - (b) Section 11(6) is amended by section 12(1)(a) of the 2014 Act.
 - (c) Section 32(1)(b) is amended by section 12(2)(a) of the 2014 Act. Section 12(2) is commenced by these Regulations.
 - (d) Section 32(1A) is inserted by section 12(2)(b) of the 2014 Act.
 - (e) Section 32(1)(c) is amended by section 12(2)(a) of the 2014 Act.
 - (f) Section 32(1B) is inserted by section 12(2)(b) of the 2014 Act.
 - (g) Paragraphs 2, 3 and 4 of schedule 3 are amended by section 13 of the 2014 Act. Section 13 is commenced by these Regulations. There are other amendments to paragraph 2 of schedule 3 not relevant to these Regulations.

- (a) a person referred to in paragraph 2(1)(a)(ii), 3 or 4 of schedule 3 of the 2001 Act; or
- (b) any other person who was the tenant of the house in question when the notice was given,

that the house in question is the person's only or principal home shall be deemed to be a notification for the purposes of paragraph 4A of schedule 3 of the 2001 Act^(a).

Supplemental provision

9. Prior to 1st November 2018, a landlord under a Scottish secure tenancy or a short Scottish secure tenancy must notify the tenant in writing of the changes to their tenancy agreement which will arise from the commencement of Part 2 of the Act.

KEVIN STEWART

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
12th May 2018

(a) Paragraph 4A of schedule 3 is inserted by section 13 of the Housing (Scotland) Act 2014.

SCHEDULE

Article 2

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject-matter</i>	<i>Column 3</i> <i>Appointed day</i>
Section 99	Repeal of defective designation provisions	30th July 2018
Section 3	Reasonable preference in allocation of social housing	1st May 2019
Section 4 (insofar as not already in force)	Rules on priority of allocation of housing: consultation	1st May 2019
Section 5	Factors which may be considered in allocation: ownership of property	1st May 2019
Section 6 (insofar as not already in force)	Determination of minimum period for application to remain in force	1st May 2019
Section 7 (insofar as not already in force)	Creation of short Scottish secure tenancy: antisocial behaviour	1st May 2019
Section 8	Grant of short Scottish secure tenancy: homeowners	1st May 2019
Section 9	Short Scottish secure tenancy: term	1st May 2019
Section 10	Short Scottish secure tenancy: extension of term	1st May 2019
Section 11	Short Scottish secure tenancy: recovery of possession	1st May 2019
Section 14 (insofar as not already in force)	Grounds for eviction: antisocial behaviour	1st May 2019
Section 15	Recovery of possession of properties designed for special needs	1st May 2019
Section 12	Assignment, sublet and joint tenancy of Scottish secure tenancy	1st November 2019
Section 13	Succession to Scottish secure tenancy	1st November 2019

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force various provisions of the Housing (Scotland) Act 2014 (“the Act”). Section 99 comes into force on 30th July 2018. Sections 3, 4 (insofar as not already in force), 5, 6 (insofar as not already in force), 7 (insofar as not already in force), 8 to 11, 14 (insofar as not already in force) and 15 come into force on 1st May 2019. Sections 12 and 13 come into force on 1st November 2019.

Article 3 makes a saving provision in relation to a short Scottish secure tenancy where a notice under section 34(4) of the 2001 Act was served prior to 1st May 2019.

Article 4 makes a saving provision so that the changes made by section 11(a) and (b) of the Act do not apply where a landlord has served a notice served under section 36(2) of the 2001 Act prior to 1st May 2019.

Article 5 makes a savings provision so that where a notice has been served under section 14(2)(a) of the 2001 Act prior to 1st May 2019—

- the amendments made by section 11(e) and (f), which specify the date which must be inserted in a notice in relation to the recovery of possession of a house which is subject to a short Scottish secure tenancy, do not apply;
- the powers available to the court to make an order for recovery of possession are those that existed prior to the commencement of section 14(2)(a) of the Act; and
- the grounds for possession in paragraphs 11 and 12 of schedule 2 of the 2001 Act as they existed prior to the commencement of section 15 for the purpose of any proceedings for possession based on such a notice.

Articles 6, 7 and 8 contain transitional provisions which ensure that a notification given by the specified person or by the tenant prior to 1st November 2019 will be considered to be a notification for the purposes of the relevant sections in the 2001 Act.

Article 9 ensures that social landlords will inform their tenants of the changes that will be made to their tenancy agreements due to the commencement of Part 2 of the Act.

The Bill for the Act received Royal Assent on 1st August 2014. Sections 100, 101, 102, 104 and 105 of the Act came into force on that day by virtue of section 104(1) of the Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The provisions of the Housing (Scotland) Act 2014 (“the Act”) which have been, or are due to be brought into force by commencement orders made before the date of this Order are detailed in the table below.

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 1(1)	1st August 2016	S.S.I. 2014/264
Section 1(2)	20th November 2014	S.S.I. 2014/264
Section 1(3) (partially)	20th November 2014	S.S.I. 2014/264
Section 1(3) (remainder)	1st July 2017	S.S.I. 2014/264
Section 2	20th November 2014	S.S.I. 2014/264
Section 4(2) (partially)	20th November 2014	S.S.I. 2014/264
Section 6(2) (partially)	20th November 2014	S.S.I. 2014/264
Section 7(1)(b)	20th November 2014	S.S.I. 2014/264
Section 14(1)	20th November 2014	S.S.I. 2014/264
Section 16(1) and (2)	1st December 2017	S.S.I. 2017/330

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 16(3) (partially)	1st December 2017	S.S.I. 2017/330
Section 17	1st December 2017	S.S.I. 2017/330
Section 18	1st December 2017	S.S.I. 2017/330
Section 19	1st December 2017	S.S.I. 2017/330
Section 20	20th November 2014	S.S.I. 2014/264
Section 22	1st December 2015	S.S.I. 2015/272
Section 23(1)	20th November 2014	S.S.I. 2014/264
Section 23 (remainder)	1st December 2015	S.S.I. 2015/272
Section 24	20th November 2014	S.S.I. 2014/264
Section 25(1)(a) (partially), (1)(b) to (e) and (2) to (11)	1st December 2015	S.S.I. 2015/349
Section 25(1)(a) (partially)	1st April 2016	S.S.I. 2015/349
Section 25(1)(a) (remainder)	1st June 2016	S.S.I. 2015/349
Section 26(7)	20th November 2014	S.S.I. 2014/264
Sections 26 (remainder) and 27	1st December 2015	S.S.I. 2015/272
Section 28	20th November 2014	S.S.I. 2014/264
Section 29(2)(b) (partially)	2nd February 2016	S.S.I. 2015/430
Section 29 (remainder)	31st January 2018	S.S.I. 2016/412
Section 30(2)(f) (partially)	2nd February 2016	S.S.I. 2015/430
Section 30 (remainder)	31st January 2018	S.S.I. 2016/412
Section 31	31st January 2018	S.S.I. 2016/412
Section 32(2)(c) (partially)	2nd February 2016	S.S.I. 2015/430
Section 32 (remainder)	31st January 2018	S.S.I. 2016/412
Sections 33 to 43	31st January 2018	S.S.I. 2016/412
Section 45	31st January 2018	S.S.I. 2016/412
Section 46	20th November 2014	S.S.I. 2014/264
Section 47 to 51	31st January 2018	S.S.I. 2016/412
Section 52(2)	2nd February 2016	S.S.I. 2015/430
Section 52 (remainder)	31st January 2018	S.S.I. 2016/412
Sections 53 to 60	31st January 2018	S.S.I. 2016/412
Section 61	20th November 2014	S.S.I. 2014/264
Section 62 (partially)	20th November 2014	S.S.I. 2014/264
Section 62 (remainder)	31st January 2018	S.S.I. 2016/412
Section 63	1st May 2017	S.S.I. 2016/412
Sections 64 and 65 (partially)	20th November 2014	S.S.I. 2014/264
Sections 64 and 65 (remainder)	1st May 2017	S.S.I. 2016/412
Sections 66 to 69	1st May 2017	S.S.I. 2016/412
Section 70	20th November 2014	S.S.I. 2014/264
Sections 71 to 76	1st May 2017	S.S.I. 2016/412
Section 77 (partially)	20th November 2014	S.S.I. 2014/264
Section 77 (remainder)	1st May 2017	S.S.I. 2016/412
Sections 78 to 81	1st May 2017	S.S.I. 2016/412
Section 82	20th November 2014	S.S.I. 2014/264
Sections 83 and 84	1st May 2017	S.S.I. 2016/412
Section 85(3) and (4)	20th November 2014	S.S.I. 2014/264
Section 85 (remainder)	1st April 2015	S.S.I. 2015/122
Section 86(1) (partially)	13th November 2014	S.S.I. 2014/264
Section 86(2) (partially)	13th November 2014	S.S.I. 2014/264
Section 86 (remainder)	16th December 2014	S.S.I. 2014/264
Sections 87 and 88	1st April 2015	S.S.I. 2015/122
Section 89	13th July 2015	S.S.I. 2015/272
Sections 90 to 92	1st April 2015	S.S.I. 2015/122

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 94 to 96	20th November 2014	S.S.I. 2014/264
Section 97 (partially)	20th November 2014	S.S.I. 2014/264
Section 97 (remainder)	31st August 2015	S.S.I. 2015/272
Section 98	20th November 2014	S.S.I. 2014/264
Section 103 (partially)	20th November 2014	S.S.I. 2014/264
Section 103 (partially)	1st August 2016	S.S.I. 2014/264
Schedule 1 (partially)	1st December 2017	S.S.I. 2017/330
Schedule 2 (partially)	20th November 2014	S.S.I. 2014/264
Schedule 2 (partially)	1st August 2016	S.S.I. 2014/264

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