

2010 No. 436 (C. 30)

HOUSING

**The Housing (Scotland) Act 2006 (Commencement No. 9)
Order 2010**

Made - - - -

6th December 2010

The Scottish Ministers make the following Order in exercise of the powers conferred by section 195(3) of the Housing (Scotland) Act 2006(a).

Citation

1. This Order may be cited as the Housing (Scotland) Act 2006 (Commencement No. 9) Order 2010.

Appointed Day

2. The day appointed for the coming into force of sections 120 to 123 of the Housing (Scotland) Act 2006 is 21st December 2010.

ALEX NEIL

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
6th December 2010

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on 21st December 2010, the provisions of Part 4 of the Housing (Scotland) Act 2006, which makes provision in relation to tenancy deposits.

Sections 120 to 122 make provision about tenancy deposit schemes. Section 120 defines what is meant by “tenancy deposit” and “tenancy deposit scheme”. Section 121 empowers the Scottish Ministers to make regulations to set the regulatory framework pertaining to tenancy deposit schemes. Section 122 makes provision about the approval of tenancy deposit schemes by the Scottish Ministers, publicity and consultation requirements and the review of tenancy deposit schemes.

Section 123 makes a minor amendment to section 90(3) of the Rent (Scotland) Act 1984 (c.58) to declare, for the avoidance of doubt, that a deposit received from a tenant as security for the tenant’s obligations to pay rent is not an unlawful premium for the purposes of Part 8 of that Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Housing (Scotland) Act 2006 have been brought into force by commencement order made before the date of this Order:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 176 and 177	29th January 2006	2006/14
Sections 178 and 180	17th May 2006	2006/252
Sections 70, 175, 185, 193 and 194	5th July 2006	2006/395
Sections 52, 53, 54, 55, 56, 57, 63(1), 64(6), 65(3) and (4), 181(1)(c) and (5), 182, 184, 186, 187, 188 and 189	4th December 2006	2006/395 and 2006/569
Partially, sections 22(5), 64(7), 65(5), 66(1) and (4), 99, 104, 105, 111(3), Schedule 2, paragraph 8 and Schedule 3, paragraph 2	4th December 2006	2006/395 and 2006/569
Sections 167 to 171 and 179	28th May 2007	2007/270
Sections 12 to 29, 36 to 39, 58, 59(2) to (5), 60, 61, 63(2) to (9), 64(1) to (5) and (7), 65(1), (2) and (5), 66, 67, 172 to 174, 181(2), (4) and (6), 183, schedule 2 and schedule 6, paragraphs 4, 5, 7, 8, 16, 17 and 19	3rd September 2007	2007/270
Partially, section 192 and schedule 7	3rd September 2007	2007/270
Sections 73, 77 and 79	29th September 2008	2008/308
Sections 98 to 119	1st December 2008	2008/308
Sections 1 to 11, 30 to 35, 40 to 51, 59(1) and (6), 62, 65(6), 68, 69, 71 to 97, 181(1)(a), (b), (d) and (e) and (3) and schedule 1	1st April 2009	2009/122
Section 192 (partially)	1st April 2009	2009/122
Schedule 6, paragraphs 1 to 3, 6, 9, 10, 12, 14 and 20 to 22	1st April 2009	2009/122
Schedule 7 (partially)	1st April 2009	2009/122
Schedule 6, paragraph 11	1st April 2010	2009/122
Schedule 7 (partially)	1st April 2010	2009/122, as amended by S.S.I. 2010/114
Sections 124 to 166	31st August 2011	2010/159
Section 192 (partially)	31st August 2011	2010/159

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Schedule 4	31st August 2011	2010/159
Schedule 5	31st August 2011	2010/159
Schedule 6, paragraphs 18, 23 and 24	31st August 2011	2010/159
Schedule 7 (partially)	31st August 2011	2010/159

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