

2013 No. 82 (C. 6)

HOUSING

**The Private Rented Housing (Scotland) Act 2011
(Commencement No. 6 and Savings Provisions) Order 2013**

<i>Made</i>	- - - -	<i>26th February 2013</i>
<i>Laid before the Scottish Parliament</i>		<i>28th February 2013</i>
<i>Coming into force</i>	- -	<i>31st March 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, commencement and interpretation

1.—(1) This Order may be cited as the Private Rented Housing (Scotland) Act 2011 (Commencement No. 6 and Savings Provisions) Order 2013 and comes into force on 31st March 2013.

(2) In this Order “the 2011 Act” means the Private Rented Housing (Scotland) Act 2011.

Appointed days

2.—(1) The provisions of the 2011 Act specified in column 1 of the Schedule (the subject matter of which is specified in column 2 of the Schedule) will come into force on 1st April 2013.

(2) Section 6 (duty to include certain information in advertisements) of the 2011 Act will come into force on 1st June 2013.

Savings provisions

3.—(1) The amendment made by section 6 of the 2011 Act is of no effect in relation to an advertisement published on or after 1st June 2013 where arrangements have been made with the publisher before 1st May 2013 for that publication.

(2) The amendment made by section 8 of the 2011 Act (disqualification orders for unregistered landlords) is of no effect in relation to an offence committed before 1st April 2013.

(3) For the purposes of paragraph (2), where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it is to be taken to have been committed on the first of those days.

St Andrew's House,
Edinburgh
26th February 2013

M J BURGESS
Authorised to sign by the Scottish Ministers

SCHEDULE

Article 2

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of the 2011 Act</i>	<i>Subject matter</i>
Section 3	Landlord registration number
Section 5	Access to register: additional information
Section 8	Disqualification orders for unregistered landlords
Section 9	Power to obtain information
Section 11	Information to be given to local authority
Section 12 and Schedule	Minor and consequential amendments

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings sections 3, 5, 8, 9, 11 and 12 of the Private Rented Housing (Scotland) Act 2011 (“the 2011 Act”) into force on 1st April 2013 and section 6 of the 2011 Act into force on 1st June 2013.

Section 3 of the 2011 Act amends the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8) (“the 2004 Act”). The amendments provide that an entry in the landlord registration register must state the landlord registration number and that where a local authority gives notice of the fact of registration, it must give notice of the landlord registration number.

Section 5 of the 2011 Act inserts a new section 92ZA into the 2004 Act which places a duty on a local authority to note in its landlord registration register the fact that a person was refused entry to, or removed from, the register for specified reasons. Section 5 of the 2011 Act also amends section 88A of the 2004 Act to ensure that members of the public can, on application, find out if such a note has been placed on the register and also whether an application for registration has been made but not yet determined.

Section 6 of the 2011 Act inserts a new section 92B into the 2004 Act which places a duty on a registered person to ensure that where that person’s property is advertised for let the advertisement includes the landlord registration number or, in the case of a landlord whose application is yet to be determined, the words “landlord registration pending”.

Section 8 of the 2011 Act makes an amendment to the 2004 Act which will allow a court, in addition to imposing a fine, to disqualify a person convicted under section 93(1) or (2) of the 2004 Act from being registered by any local authority.

Section 9 of the 2011 Act inserts two new sections, 97A and 97B into the 2004 Act. Section 97A provides local authorities with powers to require specified persons to provide information which will enable the local authorities to carry out its functions under Part 8 of the 2004 Act (landlord registration). Section 97B sets out how the requirement must be made.

Section 11 of the 2011 Act inserts a new section 22A into the Housing (Scotland) Act 2006 (asp 1) which places a duty on the private rented housing panel to provide specified information to the relevant local authority. The duty arises on receipt of an application by a tenant for a determination that a landlord has failed to comply with the repairing standard.

Section 12 of the 2011 Act brings the Schedule to that Act (which makes minor modifications and modifications consequential on Part 1 of the 2011 Act) into effect.

Article 3 of this Order makes certain savings provisions.

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

<i>Provision of the 2011 Act</i>	<i>Date of Commencement</i>	<i>Instrument number</i>
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
Section 33 (insofar as not already in force)	1st May 2013	S.S.I. 2013/19
Sections 34, 36 and 37	31st August 2011	S.S.I. 2011/270

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