
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 90

HOUSING

The Tenant Information Packs (Assured Tenancies) (Scotland) Amendment Order 2013

<i>Made</i>	- - - -	<i>4th March 2013</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>6th March 2013</i>
<i>Coming into force</i>	- -	<i>30th April 2013</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 30B(1) of the Housing (Scotland) Act 1988⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 30B(2) of that Act, the Scottish Ministers have consulted with such persons and bodies as they consider representative of the interests of tenants, private sector landlords and persons who act as agents for such landlords, and with such other persons and bodies as they consider appropriate.

Citation and commencement

1. This Order may be cited as the Tenant Information Packs (Assured Tenancies) (Scotland) Amendment Order 2013 and comes into force on 30th April 2013.

Amendment of the Tenant Information Packs (Assured Tenancies) (Scotland) Order 2013

2. For the Schedule to the Tenant Information Packs (Assured Tenancies) (Scotland) Order 2013⁽²⁾, substitute the Schedule set out in the Schedule to this Order.

St Andrew's House, Edinburgh
4th March 2013

M J BURGESS
Authorised to sign by the Scottish Ministers

(1) 1988 c.43. Section 30B is inserted by section 33 of the Private Rented Housing (Scotland) Act 2011 ([asp 14](#)).
(2) [S.S.I. 2013/20](#). The Order is being amended before it comes into force.

SCHEDULE

Article 2

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Article 2

TENANT INFORMATION PACK

Acknowledgement form

Property address:

Tenancy type:

Tenancy period:

Name and address of landlord (or letting agent if applicable):

.....

.....

Landlord registration number:

By the time your tenancy begins, the landlord must give you the following documents:

- ☐ Tenancy agreement
- ☐ Gas Safety Certificate (if applicable, e.g. if you have a gas boiler)
- ☐ Tenant Information Pack (see attached)

Also, if you are signing up to a short assured tenancy, the landlord must give you the following before the tenancy is created:

- ☐ AT5 form

Declaration

I confirm that I have given the tenant all the above documents.

Landlord/ letting agent signature:

Date:

I confirm that I have received all the above documents.

Tenant signature:

Date:

Tenant Information Pack for the Private Rented Sector

What is the Tenant Information Pack?

- The pack gives information to tenants in privately rented housing. It talks about your home, tenancy and landlord, and the responsibilities of you and your landlord.
- The pack is not part of your tenancy agreement but sets out important information that is relevant to you and your landlord. The pack contains a summary of legislation relevant to private tenants. Should you want more detailed legal information, or opinion, you should seek specialist advice.

Why is the pack important?

- The pack gives you clear information about private renting.
- The pack ensures that all tenants in privately rented homes receive the same information.

How does the pack work?

- If you sign an assured or short assured tenancy, your landlord has a legal duty to give you a Tenant Information Pack, under section 30A of the Housing (Scotland) Act 1988. Your landlord must do this by your tenancy start date.
- If a letting agent manages your tenancy you should still receive a pack.
- At least one pack should be provided for each tenancy agreement. Where there are joint tenants they can be asked to accept one pack between them.
- The pack must be signed and receipted by you and your landlord (unless it is sent or acknowledged by email).
- If the landlord does not provide the pack, they can be fined up to £500. If you have not received a pack, you should report this to your local council's housing department.

Other useful information

You can view the Tenant Information Pack online at www.scotland.gov.uk/tenant/info

The pack contains web links to further information. If required, this information can be provided in hard copy. To request any additional information call the Scottish Government's Private Rented Sector Policy team on 08457 741 741 or 0131 556 8400.

Copies of the Tenant Information Pack are available in other formats and translations. Please call 08457 741 741 or 0131 556 8400, or email ceu@scotland.gsi.gov.uk, for more information.

**Private Rented Sector Policy team,
Scottish Government**

TENANT INFORMATION PACK

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1 Your tenancy

Your rights in privately rented housing depend on the type of tenancy agreement you have with your landlord. The following information provides a broad set of rules for the most common tenancies – assured and short assured tenancies. If there is any doubt, you should get legal advice to be certain of the type of agreement you have signed or are being asked to sign.

1.1 Short assured tenancy

The most common type of agreement in the private sector is a short assured tenancy, which has been available since 2 January 1989. Your landlord must give you a special form (called an AT5 form) before you sign your tenancy agreement or move in. The form states it is a short assured tenancy. The initial let must be for at least six months otherwise it is not a short assured tenancy. After the initial let period your landlord has the right to reclaim possession of the property. However, short assured tenancies could be for longer, so you may want to discuss this with your landlord to see whether both parties would like a longer period of let.

You can see a sample AT5 form at:
www.scotland.gov.uk/tenant/info/forms

Joint tenancies

If you and your flatmates or housemates have a joint tenancy agreement, you will all have exactly the same rights and responsibilities. This means you are all equally responsible for paying the rent and keeping to the terms of your tenancy agreement.

If you want to end the tenancy, you will need to get the other joint tenants' permission first, because this will end the tenancy for everyone. However, if the other tenants do not want to move out, they can try to negotiate a new agreement with the landlord.

1.2 Assured tenancy

If you rent your property from a private landlord or letting agent, you will probably have an assured tenancy if:

- ◆ your tenancy started after 2 January 1989, and
- ◆ before the tenancy started, you were **not** given an AT5 form stating that it was to be a short assured tenancy, and
- ◆ the place where you live is rented as a home, and
- ◆ it is your only or main home.

An assured tenancy gives you greater security of tenure than a short assured tenancy. This means that it is more difficult for your landlord to require you to leave. If you would like further advice and assistance on assured tenancies, contact your local Citizens Advice Bureau or Shelter Scotland (see *section 5 - further advice and support*).