

2018 No. 2

LICENCES AND LICENSING

HOUSING

The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2018

Made - - - - - *9th February 2018*

Laid before the Scottish Parliament *12th February 2018*

Coming into force *1st April 2018*

The Scottish Ministers make the following Order in exercise of the powers conferred upon them by section 44(1)(b) and (2) of the Civic Government (Scotland) Act 1982(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2018 and shall come into force on the day after the day on which it is made.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

“the 1982 Act” means the Civic Government (Scotland) Act 1982;

“house” includes (subject to paragraphs (2) and (3) below) any part of a building, being a part which is occupied as a separate dwelling and, in particular, includes a flat;

“short-term let” means a house occupied as a residential dwelling for the commercial purpose of holidays or short breaks.

(2) Any house—

(a) which is or requires to be registered—

(i) as a short-term let for more than 30 days per calendar year;

(ii) as a short-term let, which is not a person’s main residence, also requires planning consent under The Town and Country Planning (Miscellaneous Amendments and Transitional Saving Provision) (Scotland) Order 2018.

a 1982 c. 45. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(3) For purposes of this Order, houses comprise a dwelling whether detached, semi-detached or as part of a flatted building.

Licensing of Short-term Lets

3. For the purposes of section 44(1)(b) of the 1982 Act, giving permission for a house to be occupied is hereby designated as an activity for which a licence under this Order shall be required.

Application of Part I of the 1982 Act

4. Part I of the 1982 Act shall have effect for the purposes of the licensing of the activity designated by article 3 above.

Transitional saving provision for premises in the process of conversion to use as a short-term let

5. This Order continues to have effect, in respect of a change of use of a building to use as a short-term let, as if it had not been amended by this Order if such change of use occurs before 1st April 2021.

Edinburgh
9th February 2018

ANDY WIGHTMAN MSP
Authorised to sign by the Scottish Greens

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the giving of permission for the occupation of a house as a short-term let, as an activity for which a licence under the Civic Government (Scotland) Act 1982 shall be required in terms of section 44(1)(b) of that Act (article 3).

The licensing provisions at Part I of that Act will apply to such licences (article 4), but the Order contains provision in particular–

- (a) allowing local authorities 12 months to determine licence applications;
- (b) granting a power of search of unlicensed premises to officers of local authorities;
- (c) increasing the maximum fine for contravention of section 7(1) of the 1982 Act (acting without a licence) to level 5 (£5000) on the standard scale; and
- (d) preventing licensing authorities from using these licensing powers to control the level of rent charged to tenants of premises required to be licensed.