Excluded Accommodation and Excluded Tenancy type.

This relates to accommodation which is, or is part of:

* an aparthotel
* premises in respect of which a premises licence within the meaning of section 17 of the Licensing (Scotland) Act 2005 has effect and where the provision of accommodation is an activity listed in the operating plan as defined in section 20(4) of the 2005 Act (**If you let property outside of the operating plan a Licence may be applicable)**
* a hotel which has planning permission granted for use as a hotel
* a hostel
* residential accommodation where personal care is provided to residents
* a hospital or nursing home
* a residential school, college, or training centre
* secure residential accommodation (including a prison, young offenders’ institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation, or accommodation used as military barracks)
* a refuge
* student accommodation,
* accommodation which otherwise requires a licence for use for hire for overnight stays
* accommodation, which is provided by the guest,
* accommodation, which is capable, without modification, of transporting guests to another location
* a bothy
* accommodation owned by an employer and provided to an employee in terms of a contract of employment or for the better performance of the employee’s duties

Excluded Tenancies

Any of the following tenancy types will not fall into the scope of Short-Term let Licencing:

* protected tenancy (within the meaning of section 1 of the Rent (Scotland) Act 1984
* an assured tenancy (within the meaning of section 12 of the Housing (Scotland) 1988 Act)
* a short, assured tenancy (within the meaning of section 32 of the Housing (Scotland) Act 1988)
* a tenancy of a croft (within the meaning of section 3 the Crofters (Scotland Act 1993)
* a tenancy of a holding situated out with the crofting counties (within the meaning of section 61 of the Crofters (Scotland Act 1993) to which any provisions of the Small Landholders (Scotland) Acts 1886 to 1931(8)) applies
* a Scottish secure tenancy (within the meaning of section 11 of the Housing (Scotland) Act 2001)
* a short Scottish secure tenancy (within the meaning of section 34 of the Housing (Scotland) Act 2001)
* a 1991 Act tenancy (within the meaning of section 1(4) of the Agricultural Holdings (Scotland) Act 2003)
* a limited duration tenancy (within the meaning of section 93 of the Agricultural Holdings (Scotland) Act 2003)
* a modern limited duration tenancy (within the meaning of section 5A of Agricultural Holdings (Scotland) Act 2003)
* a short, limited duration tenancy (within the meaning of section 4 of the Agricultural Holdings (Scotland) Act 2003)
* a tenancy under a lease under which agricultural land is let for the purpose of its being used only for grazing or mowing during some specified period of the year (as described in section 3 of the Agricultural Holdings (Scotland) Act 2003)
* a private residential tenancy (within the meaning of section 1 of the Private Housing (Tenancies) (Scotland) Act 2016)
* a student residential tenancy