



# Private Rented Housing (Scotland) Act 2011

2011 asp 14

## PART 4

### MISCELLANEOUS

#### 32 Premiums

- (1) In section 82 of the Rent (Scotland) Act 1984 (c. 58) (prohibition of premiums and loans on grant of protected tenancies)—
  - (a) in subsection (1), “, in addition to the rent,” is repealed,
  - (b) in subsection (2), “in addition to the rent” is repealed.
- (2) After section 89 of that Act insert—

#### **“89A Premiums: regulations**

- (1) The Scottish Ministers may by regulations make provision about sums which may be charged in connection with the grant, renewal or continuance of a protected tenancy.
- (2) Such regulations may, in particular, specify—
  - (a) categories of sum which are not to be treated as a premium for the purposes of this Part;
  - (b) the maximum amount which tenants may be asked to pay in respect of such a sum.
- (3) Before making regulations under subsection (1), the Scottish Ministers must consult—
  - (a) such persons or bodies as they consider representative of the interests of—
    - (i) tenants;
    - (ii) private sector landlords;
    - (iii) persons who act as agents for such landlords,

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**Changes to legislation:** There are currently no known outstanding effects for the Private Rented Housing (Scotland) Act 2011, Section 32. (See end of Document for details)

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- as they consider appropriate; and
- (b) such other persons or bodies as the Scottish Ministers consider appropriate (which may include tenants, private sector landlords and persons who act as agents for such landlords).
- (4) The power conferred by subsection (1) on the Scottish Ministers to make regulations—
- (a) must be exercised by statutory instrument;
- (b) may be exercised so as to make different provision for different purposes.
- (5) No regulations are to be made under subsection (1) unless a draft of the statutory instrument containing the regulations has been laid before, and approved by resolution of, the Scottish Parliament.”.
- (3) In section 90(1) of that Act (interpretation of Part 8), for the entry for “premium” substitute—
- ““premium” means any fine, sum or pecuniary consideration, other than the rent, and includes any service or administration fee or charge;”.
- (4) In section 115(1) of that Act (interpretation), for the entry for “premium” substitute—
- ““premium” has the meaning given in section 90;”.

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**Commencement Information**

- I1** S. 32(1)(3)(4) in force at 30.11.2012 by [S.S.I. 2012/267](#), **art. 2**
- I2** S. 32(2) in force for specified purposes at 31.1.2012 by [S.S.I. 2012/2](#), **art. 2**, **Sch.**
- I3** S. 32(2) in force in so far as not already in force at 30.11.2012 by [S.S.I. 2012/267](#), **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Private Rented Housing (Scotland) Act 2011, Section 32.