



# Rent (Scotland) Act 1984

## CHAPTER 58

### RENT (SCOTLAND) ACT 1984

#### PART I

##### PRELIMINARY

- 1 Protected tenancies.
- 2 Tenancies excepted from definition of “protected tenancy”.
- 3 Statutory tenants and tenancies.
- 3A Statutory tenants and tenancies: further provision as to succession.
- 3B Succession after the Private Housing (Tenancies) (Scotland) Act 2016 comes into force
- 4 No protected or statutory tenancy where landlord’s interest belongs to Crown.
- 5 No protected or statutory tenancy where landlord’s interest belongs to local authority, etc.
- 6 No protected tenancy where landlord’s interest belongs to resident landlord.
- 7 Rateable value and the appropriate day.
- 8 Regulated tenancies.
- 9 Short tenancies.
- 10 Premises with business use.

#### PART II

##### SECURITY OF TENURE

- 11 Grounds for possession of certain dwelling-houses.
- 12 Extended discretion of court in claims for possession of certain dwelling-houses.
- 12A Requirement to notify local authority of proceedings for possession

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- 13 Effect of tenancy being short tenancy.
- 14 Conditions applying to landlord's right to recovery of possession.
- 15 Terms and conditions of statutory tenancies.
- 16 Payments demanded by statutory tenants as a condition of giving up possession.
- 17 Change of statutory tenant by agreement.
- 18 No pecuniary consideration to be required on change of tenant under s. 17.
- 19 Effect on sub-tenancies of determination of tenancy.
- 20 Effect on furnished sub-tenancy of determination of superior unfurnished tenancy.
- 21 Compensation for misrepresentation or concealment in Cases 7 and 8.

### **PART III**

#### PROTECTION AGAINST HARASSMENT AND EVICTION WITHOUT DUE PROCESS OF LAW

- 22 Unlawful eviction and harassment of occupier.
- 23 Prohibition of eviction without due process of law.
- 23A Excluded tenancies and occupancy rights.
- 24 Special provisions with respect to agricultural employees.
- 25 Interpretation.
- 26 Application to Crown.
- 27 Application to sheriff

### **PART IV**

#### RENTS UNDER REGULATED TENANCIES

- 28 Limit of rent during contractual periods.
- 29 Limit of rent during statutory periods
- 30 Rents under Regulated Tenancies
- 31 Adjustment, with respect to services and furniture, of recoverable rent for statutory periods before registration.
- 32 Notices of increase.
- 33 Limits on rent increases
- 34 Rent agreements.
- 35 Rent agreements: special provisions following conversion.
- 36 Failure to comply with provisions of rent agreements.
- 37 Recovery from landlord of sums paid in excess of recoverable rent, etc.
- 37A Extension of time limits for recovery from landlord: cross-border mediation
- 38 Onus on landlord.
- 39 Rectification of rent books in light of determination of recoverable rent.
- 40 Adjustment for differences in lengths of rental periods.
- 41 Regulations.
- 42 Interpretation of Part IV.

### **PART V**

#### REGISTRATION OF RENTS UNDER REGULATED TENANCIES

- 43 Registration areas and rent officers.
- 43A Rent registration service providers.
- 43B Supplementary provisions regarding rent registration service providers.

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- 43C Rent registration service providers: restrictions on disclosure of information.
- 44 Private rented housing committees.
- 45 Register of rents.
- 46 Applications for registration of rents.
- 47 Certificates of fair rent.
- 48 Determination of fair rent.
- 49 Amount to be registered as rent.
- 49A Transitional applications: regulated tenancies
- 50 Effect of registration of rent.
- 51 Cancellation of registration of rent.
- 52 Cancellation at instance of landlord.
- 53 Regulations.
- 54 Interpretation of Part V.

## PART VI

### RENT LIMIT FOR DWELLING-HOUSES LET BY HOUSING ASSOCIATIONS AND THE HOUSING CORPORATION

- 55 Tenancies to which sections 55 to 59 apply.
- 56 Rents to be registrable under Part V.
- 57 The rent limit.
- 58 Phasing of progression to registered rent.
- 59 Increase of rent without notice to quit.
- 60 Supplemental to sections 55 to 59.
- 61 Interpretation of Part VI.

## PART VII

### PART VII CONTRACTS

- 62 Registration areas for purposes of Part VII.
- 63 Part VII contracts.
- 64 Dwelling-houses to which Part VII applies.
- 65 References of contracts to the First-tier Tribunal and obtaining by it of information.
- 66 Powers of the First-tier Tribunal on reference of contracts.
- 66A Transitional references of Part VII contracts
- 67 Register of rents under Part VII contracts.
- 68 Reconsideration of rent after registration.
- 69 Effect of registration of rent.
- 70 Cancellation of entries in register at instance of landlord.
- 71 Notice to quit served after reference of contract to the First-tier Tribunal.
- 72 Application to the First-tier Tribunal for security of tenure where notice to quit is served.
- 73 Notices to quit served by owner-occupiers.
- 74 Reduction of period of notice on account of lessee's default.
- 75 Power of First-tier Tribunal, in action for possession, to reduce period of notice to quit
- 76 Notice to quit relating to later Part VII contracts.
- 77 Jurisdiction of the First-tier Tribunal.
- 78 Publication of information.
- 79 Rent book to be provided.

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- 80 Regulations.
- 81 Interpretation of Part VII.

### **PART VIII**

#### PREMIUMS, ETC.

- 82 Prohibition of premiums and loans on grant of protected tenancies.
- 83 Prohibition of premiums and loans on assignation of protected tenancies.
- 84 Power to charge premium on assignation of tenancy where premium lawfully charged on earlier assignation.
- 85 Prohibition of premiums on grant, etc. of Part VII contracts.
- 86 Excessive price for furniture to be treated as premium.
- 87 Punishment of attempts to obtain from prospective tenants excessive prices for furniture.
- 88 Recovery of premiums and loans unlawfully required or received.
- 89 Avoidance of requirements for advance payment of rent in certain cases.
- 89A Premiums: regulations
- 90 Interpretation of Part VIII.

### **PART IX**

#### HERITABLE SECURITIES

- 91 Heritable securities to which Part IX applies.
- 92 Regulated heritable securities.
- 93 Powers of court to mitigate hardship.
- 94 Miscellaneous.

### **PART X**

#### MISCELLANEOUS AND GENERAL

- 95 Release from rent regulation.
- 96 Provisions where tenant shares accommodation with landlord.
- 97 Provisions where tenant shares accommodation with persons other than landlord.
- 98 Application of Part VII to tenancies falling within section 6.
- 99 Certain sublettings not to exclude any part of sublessor's premises from protection under the Act.
- 100 Obligation to notify sublettings of dwelling-houses let on or subject to protected or statutory tenancies.
- 101 Landlord's consent to work.
- 102 Jurisdiction.
- 103 Application to sheriff.
- 104 Rules as to procedure.
- 105 Powers of local authorities for the purposes of giving information.
- 106 Consent of tenant.
- 107 Prosecution of offences.
- 108 Service of notices on landlord's agents.
- 109 Rents of subsidised private houses.
- 110 Restriction on sequestration for rent.
- 111 Implied condition in all protected tenancies.
- 112 Minimum length of notice to quit.
- 113 Rent book to be provided.

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- 114 Service of notices.
- 115 Interpretation.
- 116 Application to Crown property.
- 117 Amendments, transitional provisions, repeals, etc.
- 118 Short title, commencement and extent.

## SCHEDULES

### SCHEDULE 1 — Statutory Tenants by Succession

- 1 The provisions of paragraph 2 or, as the case may...
- 2 The original tenant's spouse or civil partner where the dwelling-house...
- 3 Where paragraph 2 above does not apply, but a person...
- 4 A person who becomes the statutory tenant of a dwelling-house...
- 5 If, immediately before his death, the first successor was still...
- 6 The first successor's spouse or civil partner, where the...
- 7 Where paragraph 6 above does not apply but a person...
- 8 (1) Where after a succession the successor becomes the...
- 9 Paragraphs 5 to 7 above do not apply where the...

### Schedule 1A — Statutory or Statutory Assured Tenants by Succession in a case to which section 3A(1) applies

- 1 The provisions of paragraph 2 of this Schedule shall have...
- 2 (1) The original tenant's spouse or civil partner where the...
- 3 Where paragraph 2 above does not apply but a person...
- 4 A person who becomes the statutory tenant of a dwelling-house...
- 5 If, immediately before his death, the first successor was still...
- 6 Where a person who— (a) was a member of the...
- 7 (1) Where after a succession the successor becomes the tenant...
- 8 Paragraphs 5 and 6 above do not apply where the...

### Schedule 1B — Statutory Assured Tenants by Succession in a case to which section 3A(2) applies

- 1 The provisions of this Schedule shall have effect for the...
- 2 If, immediately before his death, the first successor was still...
- 3 Where a person who— (a) was a member of the...
- 4 (1) Where after a succession the successor becomes the tenant...
- 5 Paragraphs 2 and 3 above do not apply where the...

### SCHEDULE 2 — Grounds for Possession of Dwelling-Houses Let on or Subject to Protected or Statutory Tenancies

#### Part I — CERTAIN CASES IN WHICH FIRST-TIER TRIBUNAL MAY ORDER POSSESSION

##### *Case 1*

Where any rent lawfully due from the tenant has not...  
In determining whether any rent lawfully due from a tenant...

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*Case 2*

*Case 3*

*Case 4*

*Case 5*

*Case 6*

*Case 7*

*Case 8*

*Case 9*

*Case 10*

Part II — FURTHER CASES IN WHICH FIRST-TIER TRIBUNAL MAY ORDER  
POSSESSION

*Case 11*

Where a person (in this case referred to as “the...

*Case 12*

Where a person (in this Case referred to as “the...

*Case 13*

Where the dwelling-house is let under a tenancy for a...

*Case 14*

Where the dwelling-house is let under a tenancy for a...

*Case 15*

Where— (a) the dwelling-house was let on a short tenancy...

*Case 16*

Where the dwelling-house is held for the purpose of being...

*Case 17*

Where the dwelling-house was at any time occupied by a...

*Case 18*

Where proposals for amalgamation, approved for the purposes of a...

*Case 19*

Where a dwelling-house has been let on a regulated tenancy...

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### Case 20

Where a dwelling-house has been designed or adapted for occupation...

### Case 21

Where the dwelling-house is let by a person (in this...

#### Part III — PROVISIONS APPLICABLE TO CASE 8 AND PART II ABOVE

- 1 the First-tier Tribunal shall not make an order for possession...
- 2 Any reference in Part II of this Schedule to the...

#### Part IV — SUITABLE ALTERNATIVE ACCOMMODATION

- 1 For the purposes of section 11(1)(a) above, a certificate of...
- 2 Where no certificate as is mentioned in paragraph 1 above...
- 3 (1) For the purposes of paragraph 2 above, the relevant...
- 4 Accommodation shall not be deemed to be suitable to the...
- 5 Any document purporting to be a certificate of a housing...
- 6 In this Schedule “housing authority” means a local authority for...

### SCHEDULE 3 — . . .

#### SCHEDULE 4 — private rented housing Committees

- 1 The Secretary of State shall draw up and from time...
- 1A (1) A person is disqualified from appointment to, and from...
- 2 There shall be one panel for the registration areas in...
- 3 The panel shall consist of a number of persons appointed...
- 4 The Secretary of State shall nominate two of the persons...
- 5 Subject to the following provisions of this Schedule, the number...
- 6 Subject to paragraph 7 below, each private rented housing committee...
- 7 The president of the panel may, if he thinks fit,...
- 8 There shall be paid to members of a panel such...
- 9 There shall be paid to or in respect of members...
- 10 There shall be paid to any member of a panel...
- 11 The president of the panel may appoint, with the approval...
- 12 There shall be paid out of moneys provided by Parliament—...

#### SCHEDULE 5 — Applications for Registration of Rents

##### Part I — APPLICATIONS UNSUPPORTED BY CERTIFICATE OF FAIR RENT

#### *Procedure on applications to rent officer*

- 1 On receiving any application for the registration of a rent,...
- 2 Where the application is made by the landlord alone the...
- 3 (1) Where— (a) the application is made jointly by the...
- 4 Where the rent officer, in carrying out his functions under...
- 5 (1) Where representations are made as mentioned in paragraph 2...
- 6 After considering, in accordance with paragraph 5 above, what rent...
- 7 (1) If such an objection as is mentioned in paragraph...

#### *Determination of fair rent by the First-tier Tribunal*

- 8 (1) The First-tier Tribunal to whom a matter is referred...
- 9 Where, within the period specified in paragraph 8(1)(b) above, or...
- 10 (1) The First-tier Tribunal shall make such inquiry, if any,...

##### Part II — APPLICATIONS SUPPORTED BY CERTIFICATE OF FAIR RENT

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*Procedure on applications to rent officer*

- 11 (1) On receiving an application for the registration of a...
- 12 If such a request as is mentioned in paragraph 11(3)...

*Procedure on references to private rented housing committee*

- 13 (1) Where a matter is referred under paragraph 12 to...

*Provisional registration*

- 14 Where a rent is registered in pursuance of such an...
  - 15 Where a registration is made as mentioned in paragraph 14...
- Part III — SUPPLEMENTAL
- 16 There shall be included, among the matters with respect to...

SCHEDULE 6 — Certificates of Fair Rent

- 1 An application for a certificate of fair rent—
- 2 (1) If it appears to the rent officer that the...
- 3 If it appears to the rent officer that the information...
- 4 (1) If it appears to the rent officer that the...
- 5 After considering in accordance with paragraph 4 above what rent...
- 6 (1) If such a request as is referred to in...
- 7 (1) Where an application is referred to the First-tier Tribunal,...
- 8 (1) After considering any representation made to them in pursuance...
- 9 Where an application under this Schedule is made with respect...
- 10 Where the rent specified in a certificate of fair rent...

SCHEDULE 7 — Premium allowed on assignation of Tenancy where Premium lawfully paid on Grant

- 1 (1) The provisions of this Schedule apply where—
- 2 In a case where this Schedule applies, nothing in section...
- 3 The formula mentioned in paragraph 2 above is  $P \times \dots$
- 4 (1) If, although the registered rent is higher than the...
- 5 .....
- 6 (1) Any reference in this Schedule to the relevant date...

SCHEDULE 8 — Enactments Amended

Part I

*General provisions*

- 1 Any reference in any enactment (other than this Act) to...
- 2 Any reference, however expressed, in any enactment (other than this...

Part II



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### *Specific amendments*

*The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

*The Housing (Scotland) Act 1966 (c. 49)*

*The New Towns (Scotland) Act 1968 (c. 16)*

*The Housing (Scotland) Act 1969 (c. 34)*

*The Fire Precautions Act 1971 (c. 40)*

*The Housing (Scotland) Act 1974 (c. 45)*

*The Tenant's Rights, Etc. (Scotland) Act 1980 (c. 52)*

*The Local Government, Planning and Land Act 1980 (c. 65)*

#### SCHEDULE 9 — Savings and Transitional Provisions

- 1 In so far as any regulation, order, scheme, agreement, dissent,...
- 2 Any document made, served or issued before the passing of...
- 3 Where a period of time specified in an enactment repealed...
- 4 Nothing in this Act shall prevent an offence against an...
- 5 A conviction of an offence under an enactment repealed by...
- 6 Nothing in this Act shall affect the continued operation after...
- 7 The amendments to this Act made by Schedule 2 to...

#### SCHEDULE 10 — Enactments Repealed

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**Changes and effects yet to be applied to :**

- s. 23A(5A) words omitted by [2016 c. 19 Sch. 11 para. 2\(b\)\(iii\)](#)
- s. 23A(5B) inserted by [2002 c. 41 s. 32\(6\)](#)
- s. 25(1) words repealed by [2014 asp 14 sch. 1 para. 9](#)
- s. 49(3) words substituted by [S.S.I. 2016/337 Sch. 2 para. 1\(5\)\(b\)](#)
- s. 49(6) words substituted by [S.S.I. 2016/337 Sch. 2 para. 1\(5\)\(c\)](#)
- Sch. 6 para. 9 words substituted by [S.S.I. 2016/337 Sch. 2 para. 1\(29\)\(f\)](#)