



Rent (Scotland) Act 1984

1984 CHAPTER 58

PART VI

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

57 The rent limit.

- (1) Where the rent payable under a tenancy would exceed the rent limit determined in accordance with sections 55 to 59 of this Act, the amount of the excess shall be irrecoverable from the tenant.
- (2) Where a rent for the dwelling-house is registered, then, subject to section 58 below [^{F1}and Part IV of the Schedule to the Fire Precautions Act 1971], the rent limit is the rent so registered:
... ^{F2}
- (3) Where no rent for the dwelling-house is registered, then, subject to subsection (5) below [^{F3}and Part IV of the Schedule to the Fire Precautions Act 1971], the rent limit shall be determined as follows—
 - (a) if the lease or agreement creating the tenancy was made before 1st January 1973, the rent limit is the rent recoverable under the tenancy, as varied by any agreement made before that date (but not as varied by any later agreement),
 - (b) if paragraph (a) above does not apply, and, not more than three years before the tenancy began, the dwelling-house was subject to another tenancy (whether before 1973 or later) the rent limit is the rent recoverable under that other tenancy (or, if there was more than one, the last of them) for the last rental period thereof,
 - (c) if paragraph (a) and paragraph (b) above do not apply, the rent limit shall be the rent payable under the terms of the lease or agreement creating the tenancy (and not by the rent so payable under those terms as varied by any subsequent agreement).

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Rent (Scotland) Act 1984, Section 57. (See end of Document for details)

- (4) The reference in paragraph (b) of subsection (3) above to another tenancy includes, in addition to a tenancy to which sections 57 to 59 of this Act apply, a regulated tenancy within the meaning of this Act—
- (a) which subsisted at any time after the operative date, within the meaning of the ^{M1}Housing Act 1974; and
 - (b) under which, immediately before it came to an end, the interest of the landlord belonged to a housing association.
- (5) F4
- (6) Section 37 above shall apply as if any amount made irrecoverable by virtue of this section were irrecoverable by virtue of Part IV of this Act.
- (7) A tenancy commencing (whether before or after the commencement of this Act) while there is in operation a condition relating to rent imposed under any of the enactments mentioned in section 46(7) above shall be disregarded for the purposes of subsection (3)(b) above in determining the rent limit under any subsequent tenancy of the dwelling-house.
- (8) Where the rent is subject to the rent limit under subsection (3)(b) above, the landlord shall, on being so requested in writing by the tenant, supply him with a statement in writing of the rent which was recoverable for the last rental period of the other tenancy referred to in that paragraph.
- (9) If, without a reasonable excuse, a landlord who has received such a request as is referred to in subsection (8) above—
- (a) fails to supply the statement referred to in that subsection within 21 days of receiving the request, or
 - (b) supplies a statement which is false in any material particular,
- he shall be liable to a fine not exceeding level 3 on the standard scale.
- (10) This section shall not apply to rent for any rental period beginning before 1st January 1973.

Textual Amendments

- F1** Words inserted by [Fire Precautions Act 1971 \(c. 40, SIF 50\)](#), s. 34, **Sch. 1 Pt. IV para. 5** for the purposes of the modification in connection with certain provisions of the said 1971 Act (modifications of ss. 55–59 in cases where the rent is increased by virtue of s. 28(3)(b) of the said 1971 Act)
- F2** Proviso to s. 57(2) repealed by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(3), **Sch. 10**
- F3** Words inserted by [Fire Precautions Act 1971 \(c. 40, SIF 50\)](#), s. 34, **Sch. 1 Pt. IV para. 5** for the purposes of the modification in connection with certain provisions of the said 1971 Act (modifications of ss. 55–59 in cases where the rent is increased by virtue of s. 28(3)(b) of the said 1971 Act)
- F4** [S. 57\(5\)](#) repealed by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(3), **Sch. 10**

Modifications etc. (not altering text)

- C1** [S. 57](#) modified by [Fire Precautions Act 1971 \(c. 40, SIF 50\)](#), s. 34, **Sch. 1 Pt. IV**
- C2** [Ss. 55–59](#) continued (temp.) (30.9.2002) by [The Housing \(Scotland\) Act 2001 \(Scottish Secure Tenancy etc.\) Order 2002 \(S.S.I. 2002/318\)](#), **art. 5**

Marginal Citations

- M1** [1974 c. 44.](#)

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Rent (Scotland) Act 1984, Section 57.