



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, the rent limit is the rent so registered :

Provided that where any rates in respect of the dwelling-house are borne by the landlord the amount of those rates for any rental period, ascertained in accordance with Schedule 3 to this Act, shall be added to the limit imposed by this subsection, and then, subject to subsection (5) below, any reference in sections 55 to 59 of this Act to the rent registered for the dwelling-house shall be taken as a reference to the registered rent plus the amount of rates borne by the landlord.

- (3) Where no rent for the dwelling-house is registered, then, subject to subsection (5) below, 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).

- (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 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) Where for any period there is a difference between the amount (if any) of the rates borne by the landlord in respect of the dwelling-house and the amount (if any) so borne in the rental period on which the rent limit is based, the rent limit under subsection (3) above or section 58(2)(a) or (b) below shall be increased or decreased by the amount of the difference:
- Provided that an increase of rent made solely to reflect an increase in the amount of rates borne by the landlord shall be disregarded for the purposes of section 58(3) or (4) below.
- (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 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.