



Housing (Scotland) Act 1988

1988 CHAPTER 43

PART II

RENTED ACCOMMODATION

Assured tenancies—rents and other terms

[^{F1}25B ^{F2}Determination of rent by the First-tier Tribunal where section 25A applies]

- (1) Where a tenant refers to [^{F3}the First-tier Tribunal] a notice under section 25A, the [^{F4}First-tier Tribunal] shall determine the amount by which the existing rent might reasonably be increased to take into account the tenant's liability to make payments to the landlord in respect of council tax.
- (2) A determination under subsection (1) above shall, unless the landlord and tenant otherwise agree, have effect—
 - (a) from the date specified in the notice under section 25A(2); or
 - (b) if it appears to the [^{F5}First-tier Tribunal] that such effect would cause undue hardship to the tenant, from such later date (being not later than the date of the determination) as the [^{F5}First-tier Tribunal] may direct.
- (3) In any case where—
 - (a) [^{F6}the First-tier Tribunal has before it] at the same time a section 24 reference and a section 25A reference relating to the same tenancy; and
 - (b) the date specified in the notice under section 24(1) is not later than the date specified in the notice under section 25A; and
 - (c) the [^{F7}First-tier Tribunal proposes] to hear the two references together,the [^{F8}First-tier Tribunal] shall make a determination in relation to the section 24 reference before making their determination in relation to the section 25A reference.
- (4) In any case where paragraphs (a) and (c), but not paragraph (b), of subsection (3) above are satisfied—

Changes to legislation: Housing (Scotland) Act 1988, Section 25B is up to date with all changes known to be in force on or before 29 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) the [^{F9}First-tier Tribunal] shall make a determination in relation to the section 24 reference before the section 25A reference; and
 - (b) the rent determined for the purposes of the section 25A reference shall take effect from the date specified in the notice given under that section.
- (5) In this section—
- (a) “section 24 reference” means the reference of a notice under section 24(1);
 - (b) “section 25A reference” means the reference of a notice under section 25A; and
 - (c) “rent” has the same meaning as in section 25.
- (6) Section 25(2) applies to a determination under this section as it applies to a determination under that section.]

Textual Amendments

- F1** S. 25B inserted (1.4.1993) by S.I. 1993/658, art. 2, **Sch. 2 para.5**
- F2** S. 25B heading substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (S.S.I. 2016/337), reg. 1(2), **Sch. 2 para. 2(8)** (with Sch. 1)
- F3** Words in s. 25B(1) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (S.S.I. 2016/337), reg. 1(2), **Sch. 2 para. 2(7)(a)(i)** (with Sch. 1)
- F4** Words in s. 25B(1) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (S.S.I. 2016/337), reg. 1(2), **Sch. 2 para. 2(7)(a)(ii)** (with Sch. 1)
- F5** Words in s. 25B(2)(b) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (S.S.I. 2016/337), reg. 1(2), **Sch. 2 para. 2(7)(b)** (with Sch. 1)
- F6** Words in s. 25B(3)(a) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (S.S.I. 2016/337), reg. 1(2), **Sch. 2 para. 2(7)(c)(i)** (with Sch. 1)
- F7** Words in s. 25B(3)(c) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (S.S.I. 2016/337), reg. 1(2), **Sch. 2 para. 2(7)(c)(ii)** (with Sch. 1)
- F8** Words in s. 25B(3) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (S.S.I. 2016/337), reg. 1(2), **Sch. 2 para. 2(7)(c)(iii)** (with Sch. 1)
- F9** Words in s. 25B(4)(a) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (S.S.I. 2016/337), reg. 1(2), **Sch. 2 para. 2(7)(d)** (with Sch. 1)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 25ZB25ZC inserted (temp.) by [S.S.I. 2024/89 reg. 3\(1\)\(3\)](#)
- s. 66(1)(aa) and word inserted by [2001 asp 10 s. 50\(2\)\(c\)](#)
- s. 66(2A) inserted by [2001 asp 10 s. 50\(3\)](#)
- s. 66(5A) inserted by [2001 asp 10 s. 50\(4\)](#)
- sch. 17 para. 19-26 repealed by [2014 asp 14 sch. 2 para. 5\(4\)](#)