



# Housing (Scotland) Act 1988

## 1988 CHAPTER 43

### PART II

#### RENTED ACCOMMODATION

*Phasing out of Rent (Scotland) Act 1984 and other transitional provisions*

#### **44 New “Part VII” contracts limited to transitional cases.**

- (1) No contract entered into after the commencement of this section shall be a Part VII contract for the purposes of the <sup>M1</sup>Rent (Scotland) Act 1984 unless it is entered into in pursuance of a contract made before the commencement of this section.
- (2) If the terms of a Part VII contract are varied after the commencement of this section then, subject to subsection (3) below—
  - (a) if the variation affects the amount of the rent which, under the contract, is payable for the dwelling in question, the contract shall be treated as a new contract entered into at the time of the variation (and subsection (1) above shall have effect accordingly); and
  - (b) if the variation does not affect the amount of the rent which, under the contract, is so payable, nothing in this section shall affect the determination of the question whether the variation is such as to give rise to a new contract.
- (3) Any reference in subsection (2) above to a variation affecting the amount of the rent which, under a contract, is payable for a dwelling does not include a reference to—
  - (a) a reduction or increase effected under section 66 of the Rent (Scotland) Act 1984 (power of [<sup>F1</sup>the First-tier Tribunal]); or
  - (b) a variation which is made by the parties and has the effect of making the rent expressed to be payable under the contract the same as the rent for the dwelling which is entered in the register under section 67 of the Rent (Scotland) Act 1984.
- (4) Section 70(2) of the Rent (Scotland) Act 1984 (no cancellation of registration of rent until after 3 years) shall cease to have effect.

---

*Changes to legislation: Housing (Scotland) Act 1988, Section 44 is up to date with all changes known to be in force on or before 30 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*

---

(5) In this section “rent” has the same meaning as in Part VII of the Rent (Scotland) Act 1984.

---

**Textual Amendments**

**F1** Words in s. 44(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\(12\)](#) (with [Sch. 1](#))

---

**Marginal Citations**

**M1** 1984 c. 58.

**Changes to legislation:**

Housing (Scotland) Act 1988, Section 44 is up to date with all changes known to be in force on or before 30 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.

[View outstanding changes](#)

**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\(4\)](#)