



Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

PART 4

RENT

CHAPTER 3

RENT PRESSURE ZONES

Improvements to let property

42 Rent officer's power to allow rent rise in consequence of improvement

- (1) On an application by the landlord under a private residential tenancy, a rent officer is to determine the amount (if any) by which the rent payable under the tenancy may be increased in consequence of an improvement made to the let property.
- (2) The rent payable under a tenancy may not be increased by virtue of a determination made in respect of an improvement which was completed before—
 - (a) the tenancy was granted, or
 - (b) if the rent payable under the tenancy has changed previously, the day on which it last changed.
- (3) The rent payable under a tenancy may not be increased more than once by virtue of a single determination.
- (4) In subsection (1), “improvement” does not include anything done to the let property—
 - (a) which is paid for in whole or in part by the tenant, or
 - (b) by way of repair, maintenance or decoration.
- (5) In a case where two or more persons jointly are the tenant under a tenancy, the reference to the tenant in subsection (4)(a) includes any one of them.

Status: Point in time view as at 27/09/2023.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Private Housing (Tenancies) (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

- C1** Ss. 35-43 modified (temp.) (28.10.2022) by **Cost of Living (Tenant Protection) (Scotland) Act 2022** (asp 10), s. 13(1), **sch. 1 para. 1(1)(19)** (with ss. 1(2), 6, 7, 8) (as amended: (1.4.2023) by S.S.I. 2023/82, regs. 1(3), **2(2)**); and (27.9.2023) by S.S.I. 2023/275, regs. 1(2), **2(2)**)

Commencement Information

- II** S. 42 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, **sch.**

43 Further provision about making and determining an application under section 42

- (1) An application under section 42(1) must be made—
 - (a) in such form as may be prescribed by the Scottish Ministers in regulations,
 - (b) to a rent officer for the area in which the let property in question is situated.
- (2) On receiving an application under section 42(1), a rent officer must send a copy of it to the tenant concerned.
- (3) Before making a final determination under section 42, a rent officer must send—
 - (a) to both the landlord and tenant concerned a draft of the determination which the rent officer proposes to make,
 - (b) to the tenant a copy of any timeous representations received from the landlord in relation to the draft determination.
- (4) In making a determination under section 42, a rent officer must—
 - (a) follow any guidance published by the Scottish Ministers which sets out for the purposes of that section—
 - (i) what does, and does not, constitute an improvement made to a let property, and
 - (ii) the amount by which the rent payable under a tenancy may be increased in consequence of a particular improvement, or the methodology by which the assessment of that amount is to be made, and
 - (b) have regard to any timeous representations received from the landlord or tenant concerned.
- (5) For the purposes of subsections (3)(b) and (4)(b), representations are timeous if they are sent to the rent officer by—
 - (a) the landlord within 14 days of the landlord receiving the draft determination sent in accordance with subsection (3)(a),
 - (b) the tenant—
 - (i) within 14 days of the tenant receiving the copy of the application for a determination in accordance with subsection (2), or
 - (ii) if the rent officer sends to the tenant a copy of representations received from the landlord in accordance with subsection (3)(b), not more than 14 days after the tenant received the copy of the landlord's representations.
- (6) In a case where two or more persons jointly are the landlord under the tenancy, references to the landlord in section 42 and this section are to any one of those persons.

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Commencement Information

- I2** S. 43(1) in force at 31.10.2016 for specified purposes by S.S.I. 2016/298, [reg. 2](#), [sch.](#)
- I3** S. 43(1) in force at 1.12.2017 in so far as not already in force by S.S.I. 2017/346, [reg. 2](#), [sch.](#)
- I4** S. 43(2)-(6) in force at 1.12.2017 by S.S.I. 2017/346, [reg. 2](#), [sch.](#)

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