



Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

PART 4

RENT

CHAPTER 3

RENT PRESSURE ZONES

Designation and effect of rent pressure zone

40 Procedure for designating a zone: consultation and information

- (1) This section applies in relation to the making of regulations under section 37 which designate an area as a rent pressure zone.
- (2) Before laying a draft of a Scottish statutory instrument containing the regulations before the Scottish Parliament, the Scottish Ministers must consult—
 - (a) persons appearing to the Ministers to represent the interests of persons who offer residential property for let within the area mentioned in subsection (4), and
 - (b) persons appearing to the Ministers to represent the interests of persons who are tenants of residential property within the area mentioned in subsection (4).
- (3) Along with a draft of a Scottish statutory instrument containing the regulations, the Scottish Ministers must also lay before the Scottish Parliament a document which—
 - (a) sets out the evidence which leads them to believe that—
 - (i) rents payable within the proposed rent pressure zone are rising by too much,
 - (ii) the rent rises within the proposed zone are causing undue hardship to tenants, and

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 40. (See end of Document for details)

- (iii) the local authority within whose area the proposed zone lies is coming under increasing pressure to provide housing or subsidise the cost of housing as a consequence of the rent rises within the proposed zone,
- (b) summarises the responses they received to the consultation carried out in accordance with subsection (2).
- (4) The area referred to in subsection (2) is that of the local authority within whose area the proposed rent pressure zone lies.

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

- I1** S. 40 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, [sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 40.