



# Private Housing (Tenancies) (Scotland) Act 2016 2016 asp 19

## PART 4

### RENT

#### CHAPTER 3

##### RENT PRESSURE ZONES

###### *Improvements to let property*

#### **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

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*Changes to legislation:* There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 43. (See end of Document for details)

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- (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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**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\(2\)](#))
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**Commencement Information**

- I1** S. 43(1) in force at 31.10.2016 for specified purposes by S.S.I. 2016/298, [reg. 2](#), [sch.](#)
- I2** 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.](#)
- I3** S. 43(2)-(6) 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 43.