



# Rent (Scotland) Act 1971

## 1971 CHAPTER 28

*An Act to consolidate in relation to Scotland the Rent and Mortgage Interest Restrictions Acts 1920 to 1939, the Rent of Furnished Houses Control (Scotland) Act 1943, The Landlord and Tenant (Rent Control) Act 1949, Part II of the Housing (Repairs and Rents) (Scotland) Act 1954, the Rent Act 1957, the Rent Act 1965 (except Part III thereof), Part IV of the Housing (Scotland) Act 1969 and other related enactments.*

[12th May 1971]

### Textual Amendments

**F1** Whole Act, except Sch. 18, Pt. II in part, repealed by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 39:4\)](#), s. 117(3), **Sch. 10**

### PARTS I–X

**1–135** ..... **F2**

### Textual Amendments

**F2** Ss. 1– 136, Schs. 1–17 repealed by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 39:4\)](#), s. 117(3), **Sch. 10**

**[<sup>F3</sup>136** *Short title, commencement and extent.*

(1) *This Act may be cited as the Rent (Scotland) Act 1971.*

(2) ..... **F3]**

### Textual Amendments

**F3** Ss. 1- 136, Schs. 1-17 repealed by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 39:4\)](#), s. 117(3), **Sch. 10**

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*Changes to legislation: There are currently no known outstanding effects for the Rent (Scotland) Act 1971. (See end of Document for details)*

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## F4F4 SCHEDULES 1–17

### Textual Amendments

**F4** Ss. 1– 136, Schs. 1–17 repealed by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 39:4\)](#), s. 117(3), **Sch. 10**

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## SCHEDULE 18

Section 135(2).

### AMENDMENTS OF OTHER ENACTMENTS

#### PART I

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### Textual Amendments

**F5** Sch. 18 Pt. I repealed [Rent \(Scotland\) Act 1984 \(c. 58, SIF 39:4\)](#), s. 117(3), **Sch. 10**

#### PART II

### Modifications etc. (not altering text)

**C1** The text of Sch. 18 Pt. II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as otherwise indicated, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### *Specific Amendments*

<b>Enactment</b>	<b>Amendment</b>
The Removal Terms (Scotland) Act 1886 (49 & 50 Vict. c. 50).	In section 5, there shall be added at the end the following— “Provided that in no case shall notice of removal be given less than 28 days before the date on which it is to take effect.”
The Sheriff Courts (Scotland) Act 1907 (7 Edw. 7. c. 51).	In section 38, there shall be added at the end the following— “““ Provided that in no case shall notice of removal be given less than 28 days before the date on which it is to take effect.”

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The House Letting and Rating (Scotland) Act 1911 (1 & 2 Geo. 5. c. 53).	<p>In section 4, for the words “the next payment” in the first place where they occur there shall be substituted the words “a payment”, and for those words in the second place where they occur there shall be substituted the words “that payment”, and in paragraph (b) of the proviso for the words from “except” to the end of the section there shall be substituted the words “so, however, that in no case shall the notice be given less than 28 days before the date on which it is to take effect.”</p> <p>In section 5, for the words “forty-eight hours” there shall be substituted the words “28 days”.</p>
The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (14 & 15 Geo. 6. c.65).	<p>In section 14(2), for paragraph (a) there shall be substituted the following paragraph:—</p> <p>“(a) is a dwelling-house which consists of or comprises premises licensed for the sale of exciseable liquor on the premises; or”</p> <p>In section 15, in subsection (1), for the words in paragraph (a) from “subsection” to “1946” there shall be substituted the words “section 85(1) of the Rent (Scotland) Act 1971”; for the words from “(c) the conditions” to the end of the subsection there shall be substituted the following:—</p> <p>“(c) the condition specified in subsection (1)(b) of section 93 of the Rent (Scotland) Act 1971 is not fulfilled,</p> <p>the said section 93 shall apply in relation to the notice to quit as if that condition had been fulfilled as to the contract under which that tenancy subsists;.”</p>
	<p>for subsection (3) of that section there shall be substituted the following subsection:—</p> <p>“(3) The subsistence of a Crown interest in premises shall not affect the operation of this section if the interest of the immediate landlord of the tenant under the tenancy in question is not a Crown interest; but nothing in this subsection shall be construed as excluding the operation of this Part of this Act in cases where</p>

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there subsists a Crown interest not being the interest of the immediate landlord of the tenant under the tenancy in question.;"

in subsection (4) of that section, for the words "section eleven", in each place where they occur, there shall be substituted the words "section 93".

In section 16, in subsection (1), for the words "the Rent Restrictions Acts" there shall be substituted the words "the Rent (Scotland) Act 1971"; for subsection (2) of that section there shall be substituted the following subsection:—

“(2) The circumstances referred to in the preceding subsection are any one or more of the following, that is to say,

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- (a) that the rateable value on the appropriate day (as defined for the purposes of the Rent (Scotland) Act 1971) of the premises which are the rented family residence, or of a property of which at the ending of the tenancy qualifying for protection those premises form part, exceeded the limit specified in subsection (1)(a) of section 1 of that Act;
  - (b) that the interest of the immediate landlord of the tenant under the tenancy qualifying for protection belongs to any of the bodies or entities specified in subsection (2) of section 5 of the Rent (Scotland) Act 1971 other than the Housing Corporation;
  - (c) that the interest of the immediate landlord of the tenant under the tenancy qualifying for protection belongs to such a housing association as is referred to in subsection (4) of section 5 of the Rent (Scotland) Act 1971 and that one of the conditions specified in

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- subsection (5) of that section is fulfilled;
- (d) that immediately before the ending of the tenancy qualifying for protection those premises, were let together with agricultural land exceeding two acres in extent but were not a dwelling-house comprised in an agricultural holding and occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the farming the holding;
- (e) that immediately before the ending of the tenancy qualifying for protection the circumstances mentioned in paragraph (a) of section 2(1) of the Rent (Scotland) Act 1971 applied with respect to that tenancy or with respect to a tenancy having effect subject to that tenancy;” and in subsections (4)(b) and (7) for references to section one of the Rent Act of 1949 there shall be substituted references to section 59 of the Rent (Scotland) Act 1971; and in subsection (7) for the words from “paragraph (b)” to “section one” there shall be substituted the words “section 68(4) of that Act”.

In section 17, in subsection (1)(b), for the words from “section eight of the Rent Act” to “his landlord)” there shall be substituted the words “section 119 of the Rent (Scotland) Act 1971”; in subsections (1) and (2), for any reference to section eight there shall be substituted a reference to section 119; and in subsection (2)(a), for the words “section one of the Rent Act of 1949” there shall be substituted the words “section 59 of the Rent (Scotland) Act 1971”.

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In section 18(2), for the words “section one of the Rent Act of 1949” there shall be substituted the words “section 59 of the Rent (Scotland) Act 1971”, and for the words from “subsection (7)” to “1920” there shall be substituted the words “section 2(1)(a) of the Rent (Scotland) Act 1971”.

In section 19, in subsection (1), for the words “the Rent Restrictions Acts” there shall be substituted the words “the Rent (Scotland) Act 1971”; and in subsection (5) of that section, for the word “mortgage” wherever it occurs there shall be substituted the words “heritable security”, for the words “mortgage to which the Rent Restrictions Acts apply” there shall be substituted the words “controlled heritable security” and for the words from “the expression” to the end of the subsection there shall be substituted the words “the expression ‘ controlled heritable security ’ has the same meaning as in Part IX of the Rent (Scotland) Act 1971”.

In section 20, in subsection (1), for the words “paragraph (a) of the First Schedule to the Rent Act of 1933” there shall be substituted the words “Case 1 in Schedule 3 to the Rent (Scotland) Act 1971”; in subsection (2) of that section, for the words “Paragraph (g) of the said First Schedule” there shall be substituted the words “Case 7 in the said Schedule 3”, and for the words “the Rent Restrictions Acts apply”, in paragraph (b) of that subsection, there shall be substituted the words “the Rent (Scotland) Act 1971 applies in relation”; in subsection (3) of that section, for the words “the said First Schedule” there shall be substituted the words “the Cases in Part I of the said Schedule 3” and for the words “subsection (1) of section 3 of the Rent Act of 1933” there shall be substituted the words “section 10(1) of the Rent (Scotland) Act 1971”.

In section 22, in subsection (1), for the words from “brought before” to “1946” there shall be substituted the words “brought under Part III of the Rent Act 1965 or under the Rent (Scotland) Act 1971, or of any proceedings consequential upon the making of a reference or application to a rent tribunal under Part VII of that Act”; and after subsection (3)

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of that section there shall be inserted the following subsection:—

“(3A) In relation to any proceedings before a rent officer or rent assessment committee, within the meaning of the Rent (Scotland) Act 1971, subsections (1) to (3) of this section shall have effect as if the references to the court or tribunal included references to a rent officer or rent assessment committee.”

In section 23, in subsection (1), in the definition of “agricultural land” for the words “the Rent Act of 1939” there shall be substituted the words “section 133(1) of the Rent (Scotland) Act 1971”, in the definitions of “landlord” and “tenant” and of “statutory tenancy” for the words “the Rent Restrictions Acts” and “those Acts” there shall be substituted the words “the Rent (Scotland) Act 1971”; and in subsection (3) of that section, for the words “the Rent Restrictions Acts” there shall be substituted the words “the Rent (Scotland) Act 1971”.

In section 24, there shall be added the following paragraph:—

“(j) for any reference to the Rent Restrictions Acts there shall be substituted a reference to the Rent (Scotland) Act 1971; and for any reference, however expressed, to a dwelling-house to which the Rent Restrictions Acts apply there shall be substituted a reference to a dwelling-house subject to a statutory tenancy within the meaning of the Rent (Scotland) Act 1971.”

The Valuation and Rating (Scotland) Act 1956 (4 & 5 Eliz. 2. c. 60).

In section 16(2)(b), for the words “to which the Rent and Mortgage Interest Restrictions Acts 1920 to 1939 apply” there shall be

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substituted the words “let on or subject to a protected or statutory tenancy to which the Rent (Scotland) Act 1971 applies”.

In section 16(2), for the words “the said Schedule” there shall be substituted the words “Schedule 3 to this Act and subparagraphs (7) to (10) of paragraph I of Schedule 8 to the Rent (Scotland) Act 1971”.

In Schedule 3, in paragraph 1, after the words “this Schedule” there shall be inserted the words “and sub-paragraphs (7) to (10) of paragraph 1 of Schedule 8 to the Rent (Scotland) Act 1971”.

In Schedule 3, in paragraph 2, after the words “this Schedule” there shall be inserted the words “and sub-paragraphs (7) to (10) of paragraph 1 of Schedule 8 to the Rent (Scotland) Act 1971”.

In Schedule 3, in paragraph 15(c), after the words “Act, 1920” there shall be inserted the words “or by virtue of being a statutory tenant within the meaning of the Rent (Scotland) Act 1971”, and after the word “1939” there shall be inserted the words “or the Rent (Scotland) Act 1971”.

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The Rent Act 1965 (1965 c. 75).

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In section 32, in subsection (1), after the words “which is not a” there shall be inserted the word “statutorily”; and at the end of subsection (4) there shall be added the words “within the meaning of the Rent (Scotland) Act 1971”.

In section 34, for the words “protected tenancy” there shall be substituted the words “statutorily protected tenancy” and for paragraph (a) of that section there shall be substituted the words—

“(a) a protected tenancy within the meaning of the Rent (Scotland) Act 1971;”.

The Housing (Scotland) Act 1966 (1966 c.49).

In section 95, in subsection (3), the word “existing” shall be omitted and for the words from “section 11(2)” to the end of the first paragraph thereof there shall be substituted the words “the first tenancy of the dwelling or any part thereof created thereafter shall not, by virtue only of being created by a lease or agreement coming into operation



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on or after 6th July 1957, be prevented from being a controlled tenancy and the tenant shall not thereby be prevented from retaining possession as a statutory tenant on the coming to an end of such a tenancy”, and for the second paragraph of subsection (3) there shall be substituted the following:—

“Expressions used in this subsection have the same meanings as in the Rent (Scotland) Act 1971.”

In section 122(4), for the words from the beginning to “Rent Acts)” there shall be substituted the words “Section 5 of the Rent (Scotland) Act 1971 (which excludes lettings by local authorities from being protected tenancies within the meaning of that Act)”, for the words from “a tenancy” to “continuing to apply” there shall be substituted the words “a protected or statutory tenancy, within the meaning of the Rent (Scotland) Act 1971, nothing in this Part Of this Act relating to control orders shall prevent the continuance of that protected or statutory tenancy nor affect the continued operation of that Act in relation to that protected or statutory tenancy”.

In section 123(3), for the words from “section 1” to “1943” there shall be substituted the words “section 84 of the Rent (Scotland) Act 1971”.

In Schedule 6, for the words “s. 11(2) of the Rent Act 1957” in the cross-heading preceding paragraph 2, and for the words in that paragraph from “section 11(2)” to “Rent Acts)”, there shall be substituted the words “paragraph 1(c) of Schedule 2 to the Rent (Scotland) Act 1971”.

The New Towns Act 1968 (1968 c. 16).

In section 22(3), for the words “the Rent and Mortgage Interest Restrictions Acts 1920 to 1939” there shall be substituted the words “Part II of the Rent (Scotland) Act 1971”.

In section 22(4), for the words from “section” to “1957” there shall be substituted the words “section 131 of the Rent (Scotland) Act 1971”.

The Housing (Finanancial Provisions) (Scotland) Act 1968 (1968 c. 31).

In section 38, there shall be inserted the following subsection:—

“(5) Nothing in the foregoing provisions of this Part of this Act shall exclude

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the application of the Rent (Scotland) Act 1971 to a dwelling provided or improved by means of improvement works in respect of which an improvement grant has been made.”

The Rent (Control of Increases) Act 1969 (1969 c. 62).

In section 5, in subsection (1), for the words “Part II of the Rent Act 1965” there shall be substituted the words “Part IV of the Rent (Scotland) Act 1971”; in subsection (2) (a), for the words from “section 28(2)” to “section 3(2)” there shall be substituted the words “section 43(3) of the Rent (Scotland) Act 1971 to section 19(2)”; and in subsection (3)(b), for the words from “paragraph” to “1965” there shall be substituted the words “section 41(4) of the Rent (Scotland) Act 1971”.

In section 6(2), for the words “section 7 of the Rent Act 1965” there shall be substituted the words “section 21(2) of the Rent (Scotland) Act 1971”.

In the Schedule, in paragraph 3(1), after the words “Rent Act 1968” there shall be inserted the words “the Rent (Scotland) Act 1971”; and in paragraph 3(2), for the words from “Schedule 2” to “Act 1965” there shall be substituted the words “Schedule 4 to the Rent (Scotland) Act 1971”.

In the Schedule, in paragraph 4(1), for the words “section 28(3) of the Rent Act 1965” there shall be substituted the words “section 43(4) of the Rent (Scotland) Act 1971”.

In the Schedule, in paragraph 5, for the words from “paragraph 16” to “1965” there shall be substituted the words “section 41(4) of the Rent (Scotland) Act 1971”.

In the Schedule, in paragraph 7, for the words “section 7(b) of the Rent Act 1965” there shall be substituted the words “section 21(3) of the Rent (Scotland) Act 1971”.

In the Schedule, in paragraph 8, for the words from “paragraphs” to the end there shall be substituted the words “Schedule 6 to the Rent (Scotland) Act 1971”.

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**Textual Amendments**

- F6** Entry relating to Tribunals and Inquiries Act 1958 repealed by [Tribunals and Inquiries Act 1971 \(c. 62, SIF 127\)](#), **Sch. 4 Pt. I**

**F7** SCHEDULES 19, 20

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**Textual Amendments**

- F7** Schs. 19, 20 repealed by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 39:4\)](#), s. 117(3), **Sch. 10**

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**Changes to legislation:**

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