

2017 No. 296

HOUSING

The Private Residential Tenancies (Information for Determining Rents and Fees for Copies of Information) (Scotland) Regulations 2017

Made - - - - *12th September 2017*
Laid before the Scottish Parliament *14th September 2017*
Coming into force - - *1st December 2017*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 34(2) of the Private Housing (Tenancies) (Scotland) Act 2016^(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Private Residential Tenancies (Information for Determining Rents and Fees for Copies of Information) (Scotland) Regulations 2017 and come into force on 1st December 2017.

(2) In these Regulations “the Act” means the Private Housing (Tenancies) (Scotland) Act 2016.

Information that is to be made publicly available

2. The information that is to be made available under section 34(1) of the Act is—

- (a) the address of the let property and the amount of rent determined for it under section 32 of the Act by—
 - (i) a rent officer under section 25(1);
 - (ii) the First-tier Tribunal under section 29(1), of the Act; and
- (b) in relation to a determination of rent under section 25(1) or 29(1) of the Act, for any property which was used as a comparator—
 - (i) the general location and description of; and
 - (ii) the amount of rent payable in relation to, that property.

Manner in which information is to be made publicly available

3. The information that is to be made available under section 34(1) of the Act must be made available by the rent officer and the First-tier Tribunal collectively—

- (a) on paper; and
- (b) electronically on a website.

Fee for supplying information

4.—(1) The fee which may be charged for supplying a paper copy of the information that is made available under section 34(1) of the Act for each let property is £3.00(a).

(2) The information mentioned in paragraph (1) is—

- (a) the address of the let property;
- (b) the amount of rent determined;
- (c) the date of the determination; and
- (d) the information mentioned in regulation 2(b) in respect of any property used as a comparator in determining the amount of rent.

KEVIN STEWART

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
12th September 2017

(a) The information is available and may be searched for online for no fee at <https://www.housingandpropertychamber.scot>.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”). Under section 24 of the Act, a tenant under a private residential tenancy can apply to a Rent Officer for a determination of the amount of rent payable in respect of a let property. Such an application may only be made if the tenant has received a rent-increase notice from the landlord under section 22(1) of the Act. Under section 28 of the Act, a tenant or landlord can apply to the First-tier Tribunal for Scotland to appeal an order made by the Rent Officer under section 25(1) of the Act.

Under section 34 of the Act, Rent Officers and the First-tier Tribunal for Scotland, collectively, must make available information about the rents they have determined in accordance with section 32 of the Act and the rents they have taken into account. Regulation 2 specifies the information that is to be made publicly available. Regulation 3 specifies the manner in which the information is to be made available. Regulation 4 provides for a fee for paper copies. The information on the website may be searched free of charge.

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