



Rent (Scotland) Act 1984

1984 CHAPTER 58

PART X

MISCELLANEOUS AND GENERAL

115 Interpretation.

(1) In this Act, except where the context otherwise requires,—

“agricultural land” means land used only for agricultural or pastoral purposes or used as woodlands, market gardens, orchards, allotments or allotment gardens and any lands exceeding one-quarter of an acre used for the purpose of poultry farming, but does not include any lands occupied together with a house as a park, garden or pleasure ground or any land kept or preserved mainly or exclusively for sporting purposes;

“the appropriate day” has the meaning assigned to it by section 7(3) above;

“converted tenancy” means a tenancy which became a regulated tenancy by virtue of Part VI of, or paragraph 5 of Schedule 2 to, the ^{M1}Rent (Scotland) Act 1971, section 34 of the ^{M2}Housing (Financial Provisions) (Scotland) Act 1972 or section 46(1) of the ^{M3}Tenants’ Rights, Etc. (Scotland) Act 1980; and “the conversion” means the time when the tenancy became a regulated tenancy;

[^{F1}“First-tier Tribunal” means the First-tier Tribunal for Scotland;]

[^{F2}“First-tier Tribunal” means the First-tier Tribunal for Scotland Housing and Property Chamber]

“heritable security” has the same meaning as in the ^{M4}Conveyancing (Scotland) Act 1924 except that it includes a security constituted by ex facie absolute disposition or assignation and a standard security within the meaning of Part II of the ^{M5}Conveyancing and Feudal Reform (Scotland) Act 1970;

“landlord” includes any person from time to time deriving title under the original landlord and also includes, in relation to any dwelling-house, any person other than the tenant who is, or but for Part II of this Act would be, entitled to possession of the dwelling-house;

“let” includes “sub-let”;

Changes to legislation: There are currently no known outstanding effects for the Rent (Scotland) Act 1984, Section 115. (See end of Document for details)

“local authority” means [^{F3}a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“order for possession” means decree of removing or warrant of ejection or other like order; and “action for possession” and “proceedings for possession” shall be construed accordingly;

“Part VII contract” has the meaning assigned to it in section 63(7) above;

[^{F4}“premium” has the meaning given in section 90;]

“prescribed” means prescribed by regulations made by the Secretary of State by statutory instrument;

“protected furnished tenancy”, “regulated furnished tenancy” and “statutory furnished tenancy” mean a protected or, as the case may be, regulated or statutory tenancy—

- (a) under which the dwelling-house concerned is bona fide let at a rent which includes payments in respect of the use of furniture, and
- (b) in respect of which the amount of rent which is fairly attributable to such use, having regard to the value of that use to the tenant, forms a substantial part of the whole rent;

“protected tenant” and “protected tenancy” shall be construed in accordance with section 1 above;

“rateable value” shall be construed in accordance with section 7 above;

“rates” means any charges payable in respect of a rate as defined in the ^{M6}Local Government (Scotland) Act 1947;

“regulated tenancy” shall be construed in accordance with section 8 above;

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...

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...

“the standard scale” means the standard scale of fines set out in [^{F7}section 225(1) of the Criminal Procedure (Scotland) Act 1995];

“the statutory maximum” means the prescribed sum as defined in [^{F8}section 225(8) of the Criminal Procedure (Scotland) Act 1995];

“statutory tenant” and “statutory tenancy” shall be construed in accordance with section 3 above;

“tenancy” includes “sub-tenancy”;

“tenancy at a low rent” has the meaning assigned to it by section 2(3) above;

“tenant” includes statutory tenant and also includes a sub-tenant and any person deriving title under the original tenant or sub-tenant.

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...

- (2) Any reference in any enactment to a rent tribunal [^{F9}or a private rented housing committee] shall have effect as if it were a reference to [^{F10}the First-tier Tribunal].
- (3) Except in so far as the context otherwise requires, any reference in this Act to, or to anything done or omitted under, any provision of this Act shall be construed as including a reference to, or to anything done or omitted under, any enactment which (being repealed) is substantially re-enacted in the said provision.

Textual Amendments

- F1** Words in s. 115(1) inserted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 1 para. 27](#); [S.S.I. 2017/330](#), art. 3, sch.

Changes to legislation: There are currently no known outstanding effects for the Rent (Scotland) Act 1984, Section 115. (See end of Document for details)

- F2** Words in s. 115 inserted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (S.S.I. 2016/337), reg. 1(2), **sch. 2 para. 1(27)(a)(ii)** (with sch. 1)
- F3** Words in s. 115(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 137(6)(a)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F4** Words in s. 115(1) substituted (30.11.2012) by Private Rented Housing (Scotland) Act 2011 (asp 14), **ss. 32(4), 41(3)**; S.S.I. 2012/267, **art. 2**
- F5** S. 115(1) entry omitted (1.12.2016) by virtue of The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (S.S.I. 2016/337), reg. 1(2), **sch. 2 para. 1(27)(a)(i)** (with sch. 1)
- F6** Words in s. 115(1) repealed (25.6.2003) by The Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003 (S.S.I. 2003/331), **art. 1, sch. para. 5(3)**
- F7** Words in the definition of “the standard scale” in s. 115(1) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 54(a)**
- F8** Words in the definition of “the statutory maximum” in s. 115(1) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 54(b)**
- F9** Words in s. 115(2) inserted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (S.S.I. 2016/337), reg. 1(2), **sch. 2 para. 1(27)(b)** (with sch. 1)
- F10** Words in s. 115(2) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (S.S.I. 2016/337), reg. 1(2), **sch. 2 para. 1(27)(b)** (with sch. 1)

Marginal Citations

- M1** 1971 c. 28.
M2 1972 c. 46.
M3 1980 c. 52.
M4 1924 c. 27.
M5 1970 c. 35.
M6 1947 c. 43.

Changes to legislation:

There are currently no known outstanding effects for the Rent (Scotland) Act 1984, Section 115.