



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART III

RIGHTS OF PUBLIC SECTOR TENANTS

Subletting

55 No subletting by secure tenant without landlord's consent

- (1) It shall be a term of every secure tenancy that the tenant shall not assign, sublet or otherwise give up to another person possession of the house or any part thereof or take in a lodger except with the consent in writing of the landlord, which shall not be unreasonably withheld.
- (2) The landlord may refuse consent under this section if it appears to it that a payment other than—
 - (a) a rent which is in its opinion a reasonable rent; or
 - (b) a deposit returnable at the termination of the assignation, subletting or other transaction given as security for the subtenant's obligations for accounts for supplies of gas, electricity, telephone or other domestic supplies and for damage to the house or contents, which in its opinion is reasonable,has been or is to be received by the tenant in consideration of the assignation, subletting or other transaction.
- (3) This section shall not apply to any assignation, subletting or other transaction entered into before 3rd October 1980 provided that the consent of the landlord to the transaction and to the rent which is being charged has been obtained.
- (4) An assignation, subletting or other transaction to which this section applies shall not be a protected tenancy or a statutory tenancy within the meaning of the Rent (Scotland) Act 1984, nor shall Part VII of that Act apply to such an assignation, sublet or other transaction.

Status: This is the original version (as it was originally enacted).

- (5) In this section and in section 56, "subtenant" means a person entitled to possession of a house or any part thereof under an assignment, subletting or other transaction to which this section applies, and includes a lodger.
- (6) The provisions of Schedule 4 shall have effect as terms of every secure tenancy.

56 Rent payable by subtenants

- (1) It shall be a term of every secure tenancy—
 - (a) that the tenant shall notify the landlord of any proposed increase in a rent to which this section applies; and
 - (b) that no increase shall be made in a rent to which this section applies if the landlord objects.
- (2) Where a landlord under a secure tenancy has given consent to an assignment, subletting or other transaction under section 55, subsection (1) shall apply to the rent payable by the subtenant at the commencement of the assignment, subletting or other transaction.