



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART XI

RENTS AND SERVICE CHARGES

210 Rents for public sector housing.

- (1) Subject to the provisions of this section, a local authority may charge such reasonable rents as they may determine for the tenancy or occupation of houses provided by them.
- (2) A local authority shall from time to time review such rents and make such charges either of rents generally or of particular rents as circumstances may require.
- (3) In determining standard rents to which their housing revenue account relates, a local authority shall take no account of the personal circumstances of the tenants.

211 Service charges.

- (1) A local authority shall make a service charge for each year of such amount as they think reasonable in all the circumstances in respect of the following items to which the housing revenue account relates—
 - (a) any garage, car-port or other car parking facilities provided by them in so far as not included within the terms of the tenancy of a house;
 - (b) any service provided by them under the terms of the tenancy of a house;
 - (c) any other item made available under section 3 or 5 or supplied under section 4 for which a charge was made in the financial year 1971-2 under section 139 to 141 of the Act of 1966 and which has continued to be made available or supplied after that year.
- (2) The Secretary of State may direct in relation to any service provided under paragraph (b) of subsection (1) either generally or in a particular case that no such service charge shall be made.
- (3) Before making any such direction the Secretary of State shall consult—
 - (a) such associations of local authorities as appear to him to be concerned;

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- (b) any local authority with whom consultation appears to him to be desirable.

212 Rent increase notice.

- (1) Where an authority lets a house held by it for housing purposes to a tenant it shall be an implied term of the tenancy that the rent or any other charge payable to the authority under the tenancy may be increased by notice (“rent increase notice”) without the tenancy being terminated.
- (2) A rent increase notice shall—
 - (a) be in writing;
 - (b) specify the increased rent and the date on which it has effect;
 - (c) be given to the tenant at least 4 weeks before it has effect;
 - (d) inform the tenant of his right to terminate the tenancy and of the steps to be taken if he wishes to do so;
 - (e) inform him of the dates by which the notice of removal under section 213 must be received and the tenancy terminated if the increase is not to have effect.
- (3) A rent increase notice given in accordance with this section shall have effect unless a removal notice is given in accordance with section 213.
- (4) For the purposes of this section an authority is—
 - (a) a ^{F1}local authority;
 - (b) a joint board or a joint committee;
 - (c) a development corporation;
 - (d) the Scottish Special Housing Association;
 - ^{F2}(e) Scottish Water]
- (5) This section does not apply to a ^{F3}Scottish] secure tenancy.

Textual Amendments

- F1** Words in s. 212(4)(a) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 152(5)(a)**; S.I. 1996/323, **art. 4**
- F2** S. 212(4)(e) substituted (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 18(3)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (subject to savings in **art. 3**)
- F3** Word in s. 212(5) inserted (30.9.2002) by 2001 asp 10, s. 112, **Sch. 10 para. 13(21)**; S.S.I. 2002/321, **art. 2, Sch.** (with transitional provisions and savings in **arts. 3-5**)

213 Removal notice.

- (1) A tenant who has been given a rent increase notice may give the authority a removal notice terminating the tenancy.
- (2) The removal notice shall have effect to terminate the tenancy if—
 - (a) it is given within 2 weeks of the date on which the rent increase notice was given, or such longer period as the notice may specify;
 - (b) it specifies a date for the termination of the tenancy within 4 weeks after the date on which it is given.

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- (3) Nothing in the terms of the tenancy (express or implied) shall prevent a tenant giving a removal notice that complies with subsection (2).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(3)(i)s. 21(3)(ai)(ii) by [2001 asp 10 Sch. 10 para. 13\(3\)\(c\)para. 13\(I\)-\(iii\)](#)
- s. 24(3)(f) and word(s) inserted by [2003 asp 10 s. 5\(1\)](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 31(2C)(c) words substituted by [2004 asp 8 Sch. 4 para. 2](#)
- s. 61(2)(a)(ia) by [2001 asp 10 Sch. 10 para. 13\(6\)\(a\)\(ii\)](#)
- s. 63(1A)-(61C) by [2001 asp 10 s. 46\(2\)](#)
- s. 66(1)(vi)(vii) by [2001 asp 10 Sch. 10 para. 13\(9\)\(b\)](#)
- s. 286(a)(c) by [2001 asp 10 Sch. 10 para. 13\(40\)\(a\)\(b\)](#)